

988



REPORT TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

Advisory Council on Historic Preservation

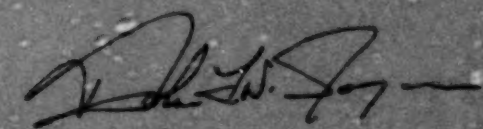
1988

Y3.H 62:1/

The President
The President of the Senate
The Speaker of the House of
Representatives

Dear Sirs:
The Advisory Council on Historic
Preservation herewith transmits its
annual report for fiscal year 1988
in accordance with Section 202(b)
of the National Historic Preservation
Act of 1966, Public Law 89-665.

Respectfully submitted,



John F. W. Rogers
Chairman

Washington, DC

Cover: Council members stand
on the ruins of a 12th-century
outlier at Navajo Springs,
Arizona. While under private
ownership, this site was por-
tuned and vandalized. The
Council visited the site during
their October 1988 meeting in
Window Rock, Arizona.

Frontispiece (opposite): The
Cash Room was returned to its
original splendor as part of a
major effort to restore the
Department of the Treasury
building in Washington, DC.

REPORT TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

Advisory Council on Historic Preservation

1988



CHAIRMAN'S MESSAGE

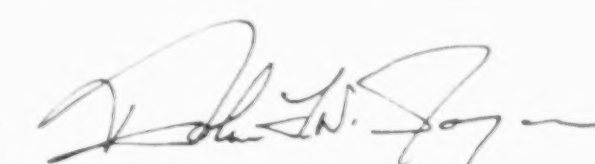
IN MARCH 1988 IT WAS MY GOOD FORTUNE TO be appointed by President Reagan as chairman of the Council. Historic preservation has long been an interest of mine, something I have had the opportunity to pursue in my prior positions as the Assistant to the President for Management in the White House and Assistant Secretary of the Treasury for Management. Those positions also brought me to the Council as a member and taught me the value of this unique institution in promoting the goals of historic preservation in the Federal government and the nation.

I was delighted to inherit from my predecessor, Cynthia Grassby Baker, a variety of ongoing Council initiatives to advance the national historic preservation program. Foremost among these was the recognition of outstanding achievement in the field of historic preservation through an awards program. Jointly sponsored with the Secretary of the Interior, this program for the first time brought recognition from the President to excellence in preservation endeavors across the country. This annual report of the Council commemorates and illustrates the achievements of those winners, symbolic of those other unsung efforts that have brought historic preservation in the United States so far in the past two decades.

I was pleased also to lead the Council in the shaping of Federal preservation policy and practice this past year. Working with Executive Director Robert Bush and the Council staff, the Council influenced the shape of thousands of Federal activities that affected historic properties across the land. A particularly rewarding effort was the

consideration of the important issues of protecting archeological resources and the unique interests of Native Americans in their cultural heritage. The meeting of the Council on the Navajo reservation in September 1988 was a highlight this year, and the important policy positions on archeology and Native American issues adopted by the Council at that meeting will significantly affect the preservation program in the coming years.

The Council views 1988 as a year of continued achievement. We close the year with a commitment to provide leadership in the national historic preservation program for tomorrow.



John F. W. Rogers
Chairman

Washington, DC

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PRESIDENT'S AND NATIONAL HISTORIC
PRESERVATION AWARDS:
A PHOTOGRAPHIC ESSAY



A limestone reproduction replaces the deteriorated top of a sandstone Corinthian capital on the West Front of the United States Capitol. The restoration of the West Front was one of 18 recipients of a National Historic Preservation Award.



1: Allegan Second Street Bridge renovation. National Historic Preservation Award.



2: Steamship Wapama preservation program. National Historic Preservation Award.

PRESIDENT'S AND NATIONAL HISTORIC PRESERVATION AWARDS: A PHOTOGRAPHIC ESSAY

History . . . is not a science but a branch of literature, an artifact made by artificers and sometimes by artists. Like fiction, it has only persons, places, and events to work with, and like fiction, it may present them either in summary or in dramatic scene.

—Wallace Stegner

IN THE FALL OF 1987 THE ADVISORY COUNCIL on Historic Preservation, in conjunction with the Department of the Interior, issued a call for entries for a two-part historic preservation awards program. This program was designed as a commemoration of 20 years of achievement under the National Historic Preservation Act of 1966 (NHPA). This fall, 28 projects and programs were recognized as exemplary illustrations of the preservation work that has been done in these two decades. (See Figure 1.)

Viewed in dramatic scene, these award-winners provide outstanding examples of the variety of accomplishments achieved through private means and through partnerships between Federal offices, State and local governments, businesses, and private citizens and organizations. As a summary of preservation events since the passage of NHPA, these projects and programs indicate the important roles each partner plays in achieving national historic preservation goals; bear witness to the trends and concerns evidenced by current preservation undertakings; and provide guidance for future goals and achievements.

As the awards program developed, two distinct honors were designated: the President's Historic Preservation Award and the National Historic Preservation Award. The President's Award was intended to recognize the contributions of private enterprise to historic preservation. The programs or projects nominated for this award were privately funded and received no significant financial assistance from Federal, State, or local government. The National Award was designed to honor projects or programs in which there had been Federal involvement.

A highly qualified jury panel was selected to judge the nominated projects and programs, which represented 48 States and Puerto Rico. Entrants were evaluated on the completeness of their submitted entry forms and on the responses to the short-answer questions offered in the entry brochure. These questions included an evaluation of how well the nominated project or program had advanced the goals of NHPA (see Figure 2) and a description of any benefits produced by the nominee.

Entries nominated for the President's Award were also required to demonstrate how free enterprise was particularly suited to the goals of that program or project. Nominees for the National Award were required to describe the nature of the Federal involvement in the project or program and any special benefits that resulted from the public-private partnership.

After thorough evaluation, 10 projects and programs were selected as winners of the President's Historic Preservation Award, 18 were chosen to receive the National Historic Preservation Award.

(For more information about the awards ceremony, see pages 37-38.) These award winners are outstanding representatives of the nationwide diversity in preservation undertakings. And while these winners represent the people, places, and events of one particular point in our heritage, they also transcend the boundaries of that time and place to give us an abiding sense of how that culture continues to shape our lives today.

The variety among the award winners is striking. Some of the areas represented are archeology, architectural history, maritime preservation, rural preservation, conservation, planning and development, and architectural preservation.

One of the more remarkable achievements was in the area of engineering, as demonstrated by the Allegan Second Street Bridge restoration project in Allegan, Michigan. For this project, the 120-ton bridge was disassembled and moved to shore for restoration work. Another significant accomplishment was the restoration of the steamship *Wapama* in Sausalito, California. This project is an excellent example of maritime preservation, a new and exciting field for preservation work.

In the area of conservation and education, the publication *Technology and Conservation* of Boston, Massachusetts, received an award for recognizing how technological advances in science and engineering can be transferred to preservation work through thoughtful dissemination of information.

FIGURE 1

HISTORIC PRESERVATION AWARDS

President's Historic Preservation Awards

- Alexander Hotel rehabilitation, Reidsville, Georgia
- Gaylord Building rehabilitation, Lockport, Illinois
- Horticultural Hall restoration and renovation, Boston, Massachusetts
- Meyer May House restoration, Grand Rapids, Michigan
- Nantucket Island town center revitalization and preservation, Nantucket, Massachusetts
- Newel K. Whitney Store restoration, Kirtland, Ohio
- Philadelphia Historic Preservation Corporation facade easement program, Philadelphia, Pennsylvania
- Preservation Techniques, Inc., conservation technology educational program, Philadelphia, Pennsylvania
- Shelburne House rehabilitation, Shelburne, Vermont
- Technology and Conservation magazine, Boston, Massachusetts

National Historic Preservation Awards

- Allegan Second Street Bridge renovation, Allegan, Michigan
- Benton County Courthouse restoration, Corvallis, Oregon
- Bridgeton property rehabilitation program, Bridgeton, New Jersey
- Capital Hotel rehabilitation, Little Rock, Arkansas
- Chocolate Factory rehabilitation, Dorchester, Massachusetts
- Department of the Army historic preservation program, Washington, DC
- Felton Covered Bridge restoration, Felton, California
- First African Baptist Church Cemetery urban archeology project, Philadelphia, Pennsylvania
- Grand Opera House rehabilitation, Wilmington, Delaware
- Guaranty Building rehabilitation, Buffalo, New York
- Lake Landing Historic District National Register nomination, Hyde County, North Carolina
- Livingston Depot Center rehabilitation, Livingston, Montana

- Mashantucket Pequot Archeological District project, Ledyard, Connecticut
- Oley Township rural preservation planning project, Berks County, Pennsylvania
- Playhouse Square Center: State and Ohio Theatres renovation, Cleveland, Ohio
- Steamship *Wapama* preservation program, Sausalito, California
- Washington Street Historic District revitalization, South Norwalk, Connecticut
- West Front of the U.S. Capitol restoration, Washington, DC

Rural preservation is another area of increasing effort. This field was represented by the Lake Landing Historic District National Register nomination project, Hyde County, North Carolina, and by the Oley Township rural preservation planning project, Berks County, Pennsylvania. Both of these National Award winners presented comprehensive plans of large rural landscapes, and both provide effective models for future rural district preservation planning.

Architectural history was well represented among the award winners. The Gaylord Building rehabilitation project in Lockport, Illinois, received recognition for the successful restoration of a building that was significant in the area's history. The Benton County Courthouse in Corvallis, Oregon, is the oldest courthouse in the Northwest in continuous use. Its renovation and restoration provided more functional space while maintaining the integrity of the original design.

There were two distinguished award recipients from the field of archeology. The First African Baptist Church Cemetery urban archeology project in Philadelphia, Pennsylvania, served as an educational opportunity for people to learn about the discipline of urban archeology. This project involved the excavation and analysis of an early 19th-century cemetery for Black Philadelphians. The Mashantucket Pequot Archeological District project in Ledyard, Connecticut, merited a National Award for the archeological research conducted on the Pequot reservation, which contains sites dating to AD 1500 to 1600. The Pequot hope eventually to establish a museum on the site, which will provide further education on the project.



3: Technology and Conservation Magazine: Presidential Historic Preservation Award



4: Lake Landing Historic District National Register nomination project: National Historic Preservation Award

FIGURE 2

NHPA POLICY GOALS

NHPA, our Nation's primary historic preservation legislation, calls for a partnership of the Federal Government, the States, local governments, Indian tribes, and private organizations and individuals to

1. use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and to fulfill the social, economic, and other requirements of present and future generations;
2. provide leadership in the preservation of prehistoric and historic resources of the United States and of the international community of nations;
3. administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
4. contribute to the preservation of nonfederally owned prehistoric and historic resources and to give maximum encouragement to organizations and individuals undertaking preservation by private means;
5. encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
6. assist State and local governments and the National Trust for Historic Preservation in the United States to expand and to accelerate their historic preservation programs and activities.



5: Oley Township rural preservation planning project. National Historic Preservation Award.



6: Gaylord Building rehabilitation. President's Historic Preservation Award.



7: Benton County Courthouse restoration. National Historic Preservation Award.



8: First African Baptist Church Cemetery urban archaeology project. National Historic Preservation Award.



9. Mashantucket Pequot Archeological District project. National Historic Preservation Award.



10

10. Alexander Hotel before rehabilitation.



11

11. Alexander Hotel rehabilitation. President's Historic Preservation Award.

One important development in preservation over the past 20 years has been the incorporation of preservation goals into a community's planning agenda. The citizens of Reidsville, Georgia, saw the potential in the rehabilitation of the Alexander Hotel into a community meeting place. A partnership between businesses and nonprofit educational organizations turned the town center of Nantucket, Massachusetts, into a productive development that maintains its historic character.

The Philadelphia Historic Preservation Corporation has developed a facade easement program that provides perpetual preservation of historic properties through the voluntary donation of easements. This program has been an incentive for rehabilitation of properties throughout the city, from Colonial buildings to modern office structures.

The Bridgeton property rehabilitation program in New Jersey involved the rehabilitation of properties in a designated historic district. The city developed a planning program with tax incentives and sanctions to support preservation work, and the rehabilitation program created new housing and retail space.

NHPA explicitly mandates Federal agencies to fulfill their preservation responsibilities, and the U.S. Department of the Army has established a regulation requiring historic preservation plans to be developed at each Army installation. The Department of the Army received a National Award for its commitment to national historic preservation goals.

Business and civic leaders in Wilmington, Delaware, saw an opportunity to plan for the restoration of their town's economy through the rehabilitation of the Grand Opera House. This project resulted in the restoration of the opera house to its function as a cultural and business



12. Nantucket town center revitalization and preservation. President's Historic Preservation Award.



13. The facades of these houses on Cathbert Street are among those held by the Philadelphia Historic Preservation Corporation (PHPC).

16



14. The facade on this Walnut Street building is also part of the PHPC facade easement program. President's Historic Preservation Award.



15. A Bridgeton Victorian house before improvements.
16. The same house after improvements were made as part of the Bridgeton property rehabilitation program. National Historic Preservation Award.

17



17. This water filtration plant at Fort Belvoir, Virginia, was converted into an emergency shelter for the homeless under the Department of the Army historic preservation program. National Historic Preservation Award.



draw to the area. Two other projects used restoration of a historic property to spur economic revitalization in depressed areas. The Livingston Depot Center restoration in Livingston, Montana, was the result of the townspeople's decision to rehabilitate their railroad station into a tourist and cultural center, signaling their town's reorientation to a new economic base. And the restoration of the State and Ohio Theatres in Playhouse Square in Cleveland, Ohio, inspired further downtown restoration projects. This undertaking was the first major civic restoration project since the 1920s that involved citizens, corporations, and the city government working together in an effective partnership. The project has shown that such partnerships can achieve success in applying

preservation principles to city development and planning. Both of these projects received National Awards.

The largest category represented by the award winners was architectural conservation, and these winners ranged from the restoration of works by master architects to the development of a house museum to inner-city revitalization projects. The restoration of Frank Lloyd Wright's Meyer May House in Grand Rapids, Michigan, is an outstanding example of corporate support for preservation; a private corporation was solely responsible for financing the acquisition, restoration, and maintenance of the property. The Guaranty Building in Buffalo, New York, designed by Louis Sullivan, is one of the earliest 19th-century skyscrapers, but it was threatened



18. Grand Opera House rehabilitation. National Historic Preservation Award.

19. Livingston Depot Center rehabilitation. National Historic Preservation Award.

20. The interior of the State Theatre was renovated as part of the Playhouse Square Center. State and Ohio Theatres renovation. National Historic Preservation Award.



21. Meyer May House restoration. President's Historic Preservation Award.

22. Guaranty Building rehabilitation. National Historic Preservation Award.

with demolition. Its early gas lighting and lavish ornamentation have been restored in this award-winning project, however, and today it again provides office space in downtown Buffalo.

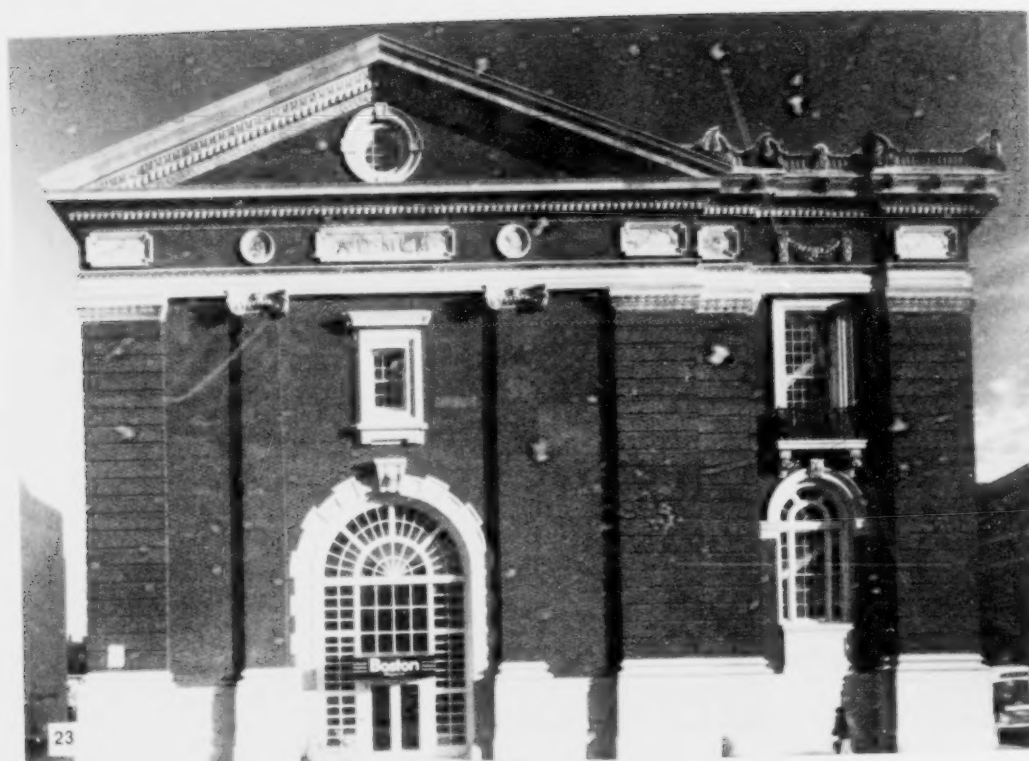
The restoration of Horticultural Hall in Boston, Massachusetts, received an award for the successful rehabilitation of this noted historic landmark into functional office space through private means. The rehabilitation of the Capital Hotel in Little Rock, Arkansas, resulted in the stabilization and reuse of the hotel as a profitable property that fulfills the contemporary needs of the local citizens.

The Newel K. Whitney General Store in Kirtland, Ohio, is the building where Joseph Smith, Jr., developed the doctrines and organization of the Church of Jesus Christ of Latter-day Saints. The church's restoration of the store into a house museum received a President's Award.

Two distinctive rehabilitation projects involved architectural restoration. The Shelburne House in Shelburne, Vermont, is a 1,000-acre farm estate that has been restored to use as an inn. The building, one of three on the estate, is owned and operated by a nonprofit organization, which uses the income generated by the inn to maintain the farm estate. The restoration of the Felton Covered Bridge in Felton, California, called for converting the tallest covered bridge in the United States into the focal point for that town's plan. This redwood bridge was extensively damaged in a flood, but it has been restored to service as a pedestrian walkway.

Preservation Techniques, Inc., of Philadelphia, Pennsylvania, uses videos and lectures to disseminate information on current technology in the field of architectural conservation. This program, which received a President's Award, is concerned with finding the most cost-effective ways of restoring properties while maintaining their historic integrity.

23. Horticultural Hall restoration and renovation. President's Historic Preservation Award.



24. Capital Hotel rehabilitation. National Historic Preservation Award.



25. Newel K. Whitney Store restoration. President's Historic Preservation Award.

26. Shelburne House rehabilitation. President's Historic Preservation Award.

27. Felton Covered Bridge restoration. National Historic Preservation Award.

Revitalization through architectural restoration can be an effective means of restoring economic vitality to a community. The restoration and rehabilitation of the Chocolate Factory in Dorchester, Massachusetts, received an award for providing affordable housing to the people of the community while preserving the historic identity of the building. And the restoration and rehabilitation of the Washington Street Historic District along the waterfront of South Norwalk, Connecticut, received a National Award, as the commercial and residential reuse of historic structures in the district created a corresponding economic revitalization in the community.

Finally, the restoration and preservation of the West Front of the U.S. Capitol Building was presented with a National Award. This project involved restoring, preserving, and stabilizing the only surviving part of the original structure that is visible from the exterior. This large-scale undertaking generated technological advances that can be applied to other preservation projects.

While it is easy to look at the individual accomplishments that these winning projects and programs represent, we should consider the trends, issues, and concerns that they embody as well. To limit them to the boundaries of specific points in history and particular sites in a region is to deny the continuing effects these achievements have on preservation work and to ignore the guidance that can be derived from the successful realization of preservation goals.

One trend evidenced by all of the National Award winners and many of the President's Award winners is the increasing importance of partnerships that are able to accomplish what individuals may not be able to. These partnerships involved agencies within Federal, State, and local government agencies, local business, civic groups, student groups, and nonprofit organizations.



28: Preservation Techniques, Inc., conservation technology educational program. President's Historic Preservation Award.



29: Chocolate Factory rehabilitation. National Historic Preservation Award.



30: Washington Street Historic District revitalization. National Historic Preservation Award.



31

Many award winners reported that some combination of such partners was an integral part of the project or program.

The Oley Township project was described as a large-scale, sustained cooperative effort that created multidisciplinary problem-solving opportunities. The cooperation between local historic organizations and Federal offices offered fresh approaches to modern issues and resulted in a model rural planning community. The Playhouse Square project in downtown Cleveland gave the citizens a "laboratory" in which to learn that important and difficult undertakings can be successful, if done together with collective resources. Projects such as these can serve to foster further cooperative efforts in preservation.

The award winners as a group also illustrate effectively the importance of creating educational opportunities for people to learn about preservation. One outstanding example of this is the First African Baptist Cemetery urban archeology project. During the project, many area schoolchildren were given tours of the site and had the opportunity to learn firsthand about an important part of their city's past and of their own heritage.

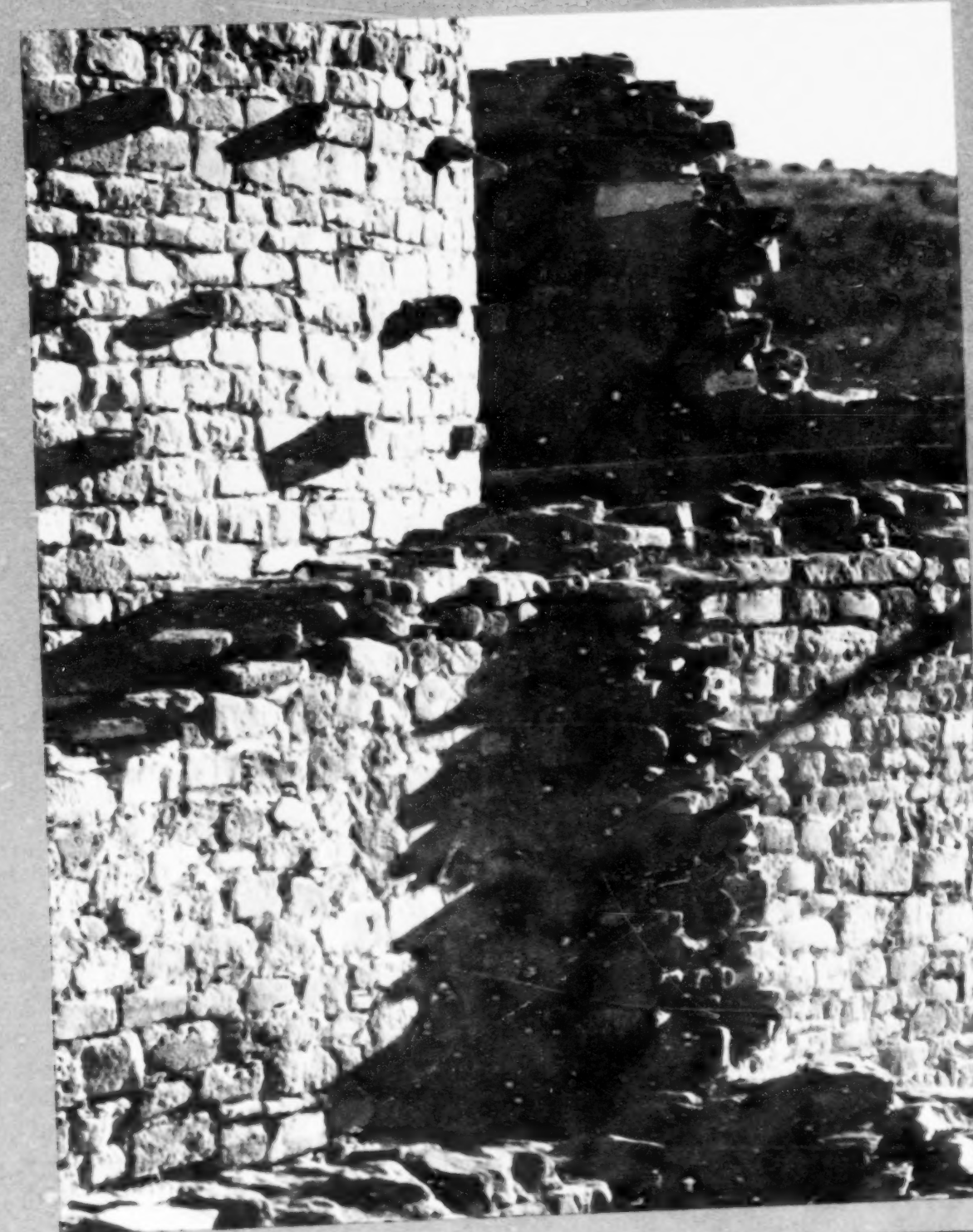
Projects such as these also help to increase appreciation of the preservation ethic urged by NHPA. Many projects called for the training of contractors and craftsmen in preservation skills and for changing the development plans of communities to incorporate historic properties as productive parts of modern society.

This trend in preservation can be seen quite clearly in those projects that used the rehabilitation of historic properties to bring about the revitalization of economically depressed communities. As more people learn to appreciate how preservation can be incorporated into long-term planning, the hopes for nationwide preservation goals can be fulfilled. Such projects as the Bridgeton property rehabilitation program, the Chocolate Factory rehabilitation, and the Washington Street Historic District revitalization are notable examples of how the reuse of historic properties for business and residential purposes can generate additional investments of time, money, skills, and interests in the renewed life of a community.

These award winners all pay tribute to the National Historic Preservation Act and the goals NHPA established for this country. The programs and projects honored with these awards are also indicative of the preservation work being carried out across the country. Through the work of individuals and organizations such as those represented here, our cultural heritage is being preserved as a living part of our community life, and the people, places, and events of our history continue to shape us and give us direction for the future.

31. West Front of the U.S. Capitol restoration. National Historic Preservation Award.

ADVISORY COUNCIL ON HISTORIC
PRESERVATION: YEAR IN REVIEW



Council members visited this
12th-century ruin during their
September 1988 meeting in
Gallup, New Mexico.



32: John F. W. Rogers was appointed chairman of the Council in March 1988.

ADVISORY COUNCIL ON HISTORIC PRESERVATION: YEAR IN REVIEW

NINETEEN EIGHTY-EIGHT WAS AN IMPORTANT year in the history of the Advisory Council on Historic Preservation. Much of the work that was accomplished illustrated the continuing adjustments being made at the Federal, State, and local levels in response to the revised regulations that govern the Section 106 review process. As agencies and organizations continue to respond to the regulation changes, which took effect October 1, 1986, further questions and issues are arising. By necessity, these questions are guiding the direction of the Council for the coming years. This Annual Report describes some of these issues—such as those concerning the increasing role of Native Americans in Section 106 review, the development of State agreements, and the growing involvement of the State Historic Preservation Officers in Section 106 review—as well as other trends that will require thoughtful planning and implementation.

In March of this year President Reagan appointed John F. W. Rogers chairman of the Council. Rogers succeeds Cynthia Grassby Baker, who resigned after being named Superintendent of the U. S. Mint in Denver. Rogers is currently group vice president for operations with the Oliver T. Carr Company, a prominent real estate development and service company in Washington, DC. He is also a dedicated preservationist who initiated and directed the recent restorations of the Old Executive Office Building and the U.S. Treasury Building, both in Washington.

One of the Council's major achievements this year was the successful conclusion of a two-part

historic preservation awards program with an awards ceremony that was held in the fall of 1988. The President's Historic Preservation Awards and the National Historic Preservation Awards program was designed both in commemoration of 20 years of preservation work since the passage of the National Historic Preservation Act of 1966 (NHPA) and in recognition of outstanding accomplishments in historic preservation. The winning projects and programs, and the trends they represent, are featured in a photographic essay in this Annual Report. (See page 7.)

In 1988, an Internal Management Plan was developed in response to changes in the Council's regulations. This plan, which will go into effect in fiscal year 1989, calls for the reorganization of the Council's professional staff to provide a more flexible and effective structure for working with review requirements. The plan also calls for an annual self-evaluation by the Council staff to ensure that the offices provide sufficient support for internal and external operations.

About the Report

This Annual Report to the President and the Congress is prepared under the authority of the National Historic Preservation Act of 1966, as amended. It provides a detailed look at the Council's year in review, the changes in Council operations as a result of regulatory reform, and

the important events that marked the year. This report covers fiscal year 1988, which began October 1, 1987, and ended September 30, 1988.

With this Annual Report, the Council completes a series of reports that review two decades of preservation work, focus on changes necessitated by what the Council has learned over those 20 years, and look forward to continued progress in historic preservation. The 1986 Annual Report featured a retrospective look at the state of the national historic preservation program, 20 years after the passage of NHPA. In 1987, the Annual Report highlighted the revisions of Council regulations and focused on the resulting changes in operations. This 1988 Annual Report presents some award-winning projects and programs and shows how these winners are representative of nationwide preservation efforts.

This report also includes a discussion of Council operations. It provides information about the agency's mission, establishing legislation, membership, and general administration. Key events that involved the Council during the past year are featured, and a summary of Council activities, important litigation, and the status of relevant legislation is presented. Finally, the report reviews international preservation activities and describes the Council's training, public information, and publications program activities, all of which are indicative of the Council's continuing initiatives in preservation outreach and education.

FIGURE 3

COUNCIL MEMBERS

September 30, 1988

John F. W. Rogers, chairman (Virginia)
Robert O. Johns, D.P.M., vice chairman
(California)

Lucille C. Dumbrell (Wisconsin)
Jennifer B. Dunn (Washington)
Avery C. Faulkner, FAIA (Virginia)
Lynn Kartavich (Ohio)
Dennis F. Mullins (California)
Mina E. Wright (District of Columbia)

Honorable Michael Newbold Castle, governor of
Delaware
Honorable William J. Althaus, mayor of York,
Pennsylvania

Architect of the Capitol
Secretary of Agriculture
Secretary of the Interior

Director of the Office of Administration
Secretary of Housing and Urban Development
Secretary of Transportation
Secretary of the Treasury

Chairman, National Trust for Historic
Preservation

President, National Conference of State Historic
Preservation Officers

FIGURE 4

COUNCIL PROFESSIONAL STAFF

September 30, 1988

Executive Office

Robert D. Bush, executive director
John M. Fowler, deputy executive
director and general counsel

B. Marie Brown, office systems
manager
Charlotte M. Fesko, secretary
Alicia R. Flowers, word processor
Monica E. Mathis, word processor
Carol J. McLain, administrative
assistant

Katherine Barnes Soffer, associate
general counsel
Frank L. Suman, administrative officer

Publications

Marcia Axtmann Smith, director
Catherine Corder, writer-editor
Jillian T. Derweiler, publications
assistant

Office of Cultural Resource
Preservation

Thomas F. King, director
John J. Cullinane, special project
manager
Shauna J. Holmes, training
coordinator
Elent M. Silverman, special project
assistant
Michelle Battle, clerk-typist

Eastern Division of Project
Review

Don L. Klima, chief
Ronald D. Anzalone, historic
preservation specialist
Martha Catlin, historic preservation
specialist
Sharon S. Conway, historic
preservation specialist
Herbert E. Dawson, historic
preservation specialist
Charlene L. Dwin, historic
preservation specialist
Thomas M. McCulloch, historic
preservation specialist
Druscilla J. Null, historic preservation
specialist
Elizabeth Updike, historic preservation
specialist
Anne M. Weinheimer, assistant
historic preservation specialist
Raymond Wallace, clerk-typist

Western Division of Project
Review

Robert Fink, chief
Cornelia Keatinge, historic
preservation specialist
Claudia A. Nissley, historic
preservation specialist
Alan L. Stanfill, historic preservation
specialist
Brit A. Storey, historic preservation
specialist
Kathy L. Place, secretary

FIGURE 5

FINANCIAL STATEMENT

	FY 1988 (estimated)	FY 1987 (final)
Appropriation: Income	\$1,719,000	\$1,518,000
Expenditures		
Personnel Compensation	1,054,000	905,000
Personnel Benefits	178,000	101,000
Benefits for Former Personnel	14,000	---
Travel and Transportation	83,000	84,000
Rent, Communications	192,000	177,000
Printing	36,000	53,000
Other Services	105,000	130,000
Supplies	25,000	13,000
Equipment	32,000	55,000
Subtotal	1,719,000	1,518,000
Agency Transfers: Income	150,000	68,000
Expenditures	150,000	68,000
Subtotal	150,000	68,000
Grand Total Income	1,869,000	1,586,000
Grand Total Expenditures	1,869,000	1,586,000

About the Council

Agency Mission

The Advisory Council on Historic Preservation is an independent Federal agency under the Executive Branch that advises the President and the Congress on historic preservation policy matters. The Council also reviews and comments on Federal and federally assisted activities that affect properties listed in or eligible for listing in the National Register of Historic Places.

The Council reports annually to the President and the Congress on the status of historic preservation in the Nation; assesses the effectiveness of State, local, and private programs that carry out the purposes of NHPA; and makes recommendations on how to improve the national historic preservation program. In addition, the Council assists the Congress by providing advice, technical assistance, or testimony on legislative proposals relating to historic preservation, and it reviews and comments on proposed Federal policies and procedures. The Council also coordinates U. S. membership in the International Centre for the Study of Preservation and Restoration of Cultural Property (ICCROM) in Rome, Italy.

The Council was established by the National Historic Preservation Act of 1966, Title II (16 U.S.C. 470). Major amendments to this legislation were passed in 1976 and 1980 (P. L. 94-422 and 96-515).

Council Membership and Professional Staff

Nineteen members make up the Council: four members of the general public, four historic preservation experts, one governor, and one mayor, all appointed by the President; and the Secretaries of the Interior and Agriculture. Four other Federal agency heads are designated by the

President to serve on the Council. Currently these are the Director of the Office of Administration, the Secretary of the Treasury, the Secretary of Housing and Urban Development, and the Secretary of Transportation. In addition, the Architect of the Capitol, the chairman of the National Trust for Historic Preservation, and the president of the National Conference of State Historic Preservation Officers also serve as Council members.

The Council chairman and vice chairman are appointed by the President. (For a list of the current Council members, see Figure 3.)

A small professional staff supports the Council membership. Staff offices are located in the Old Post Office Building, 1100 Pennsylvania Avenue NW., Suite 809, Washington, DC 20004; and at 730 Simms Street, Room 401, Golden, CO 80401. (For a list of the Council's professional staff, see Figure 4.)

Council Membership Activities during 1988

With the resignation in January 1988 of Chairman Cynthia Grassby Baker to become Superintendent of the U.S. Mint in Denver, Colorado, President Reagan appointed John F. W. Rogers, former Council member from the Office of Administration and designee for the Secretary of the Treasury, to fill Baker's unexpired term. Rogers is group vice president for operations with the Oliver T. Carr Company of Washington, DC.

On June 22, 1988, President Reagan appointed Lucille Clarke Dumbrill to a 4-year term as a historic preservation expert member. Dumbrill, who succeeds Mimi Rodden, is vice president of the Wyoming State Library, Archives, Museums, and Historical Board, vice president of the Wyoming State Historical Society, and chairman of the Historic Preservation Committee of the Wy-

33. Lucille Clarke Dumbrill was appointed to a 4-year Council term as a historic preservation expert member. She was sworn in by Chairman Rogers, with Richard Dumbrill's assistance, at the Council's September 27 meeting.



oming Federation of Women's Clubs. She was sworn in by Chairman Rogers at the fall Council meeting in Gallup, New Mexico. On September 28, 1988, President Reagan appointed Lynn Kartavich to a 4-year term as a representative of the general public. Kartavich is a member of the Ohio Historical Society and the National Historic Society. She succeeds Bruce Nestande of Orange County, California.

Meetings of the Full Membership

The Council met in full session three times during fiscal year 1988. On November 16, 1987, the Council met in Washington, DC, and

adopted a position statement regarding historic shipwrecks. The Council expressed its support for H.R. 74 and S. 858, which called for a comprehensive national approach to the management of historic shipwrecks. Loretta Neumann, representing the Society for Historical Archaeology; F. Lawrence Oaks, president of the National Conference of State Historic Preservation Officers (NCSHPO); and Dennis Mullins, Council member, spoke in support of this legislation. (For further discussion of the legislation, see page 72.)

Also at the November meeting, the Council recognized staff members who had performed especially well during the year. They were Ronald Anzalone, Charlene Dwin, Shauna

Holmes, Paulette Marshall, Druscilla Null, Eleni Silverman, Tanya Smallwood, and Thomas King.

The full Council met again in Washington, DC, on April 18, 1988, when John F. W. Rogers chaired his first meeting. Members heard testimony from leaders of the historic preservation community on ongoing efforts to improve the national historic preservation program. Discussions followed on the important issues of protecting historic properties, the future of funding for preservation, and possible organizational changes in the preservation program. Attention was also given to proposed legislation that would revise the historic preservation tax credits. There has been serious concern in the historic preservation community over the decline in the use of these tax incentives, due to new limitations arising from the Tax Reform Act of 1986. The Council deferred taking a position until it received a request for its comments.

The Council took action on several matters relating to the operation of the Section 106 review process. It adopted amendments to its initial delegation of authority that are designed to further expedite the review process. Debate over proposed public participation guidelines led to Council rejection of an amendment to the 1986 regulations and a remand of the guidelines to the Council's guidance task force for further revision to address specific concerns. At issue was interpretation of a regulatory term requiring that owners of properties affected by a Federal undertaking be allowed to participate in Section 106 review, even though their properties are not historic. The Council reaffirmed the original intent of the regulations to permit those parties access to the Section 106 review process, as decisions on historic preservation might directly affect their property interests.

One final but important action was the Council's endorsement of a request for legislative extension of its appropriations authority, which



expires at the end of fiscal year 1989. The reauthorization request of \$2.5 million annually through fiscal year 1994 was adopted unanimously.

In response to a request from the Navajo Nation, the final meeting of the year was held in Gallup, New Mexico, on September 26 and 27, 1988. The Council discussed such issues as the reburial of human remains, tribal sovereignty and Section 106, and traditional cultural properties. A special tour of the Navajo reservation was the highlight of the meeting. Participants included representatives of the Navajo Nation; the Hopi, Zuni, and the Confederated Tribes of the Kootenai and Salish (Montana); and the Pueblo of Sandia. Based on review of staff work, the

34. Council members were treated to a tour of the Navajo reservation that included tribal headquarters at Window Rock, Arizona, as part of their September meeting in Gallup, New Mexico.



results of its onsite inspections, and testimony of the participants, the Council took the following actions:

- Articulated its strong support for tribal participation in Section 106 review and directed the staff to work with Indian groups, the National Conference of State Historic Preservation Officers, and other interested parties to establish systems under which tribal preservation programs can substitute for SHPOs in the review of Federal undertakings affecting Indian lands. A delegation of Council members will work with the staff at a forthcoming meeting of NCSHPO to advance this policy.
- Established a Council policy regarding treatment of human remains and grave goods exhumed from archeological sites under Section 106 agreements and directed the staff to draft an amendment to the Archeological Resources Protection Act of 1979 (ARPA) to resolve apparent conflicts between that act and the Council's policy. (See Figure 13.)
- Deplored the destruction of archeological sites and the despoilation of graves by "pothunters," applauded the efforts of the Federal agencies to control this problem, and directed the staff to explore further ways to reduce the damage. (See Figure 12.)

35. John Stein of the Bureau of Indian Affairs explains salvage excavation of a threatened archaeological site to Council members.

36. Council member Dennis Mullins and vice chairman Robert Johns examine archaeological remains damaged by a road project on Navajo relocation lands.

37. Council members also visited the Chetro Kettle ruin in Chaco Canyon. The National Park Service stabilized the cross-section of wall shown here.

Special Panels and Task Forces

The Section 106 guidance task force was established two years ago to develop guidelines to help agencies use the Council's regulations. The task force has concentrated on two guidance documents during the year. The first, which deals with identification of historic properties, was approved by the Council on August 22, 1988, and was published in September. The second, which deals with public participation in Section 106 review, should be published in early 1989.

The awards task force completed the preliminary planning for the President's and National Historic Preservation Awards program. This involved the development of an evaluation process for the nominated entries and the appointment of a jury panel to make final recommendations on award winners. The members of the task force were Mina Wright, chairman; Susan Recce, Department of the Interior; Jennifer Dunn, Council member; and Kate Perry, National Trust for Historic Preservation. Elsa Santoya, Office of Administration, and Avery Faulkner, Council member, served as professional advisors to the task force.

Two special panel meetings were called in fiscal year 1988 in response to specific project developments. On December 4, 1987, a panel met in Washington, DC, to consider whether the Interstate Commerce Commission (ICC) had foreclosed the Council's opportunity to comment on abandonment of the Farmington Canal Branch of the Boston and Maine Railroad in Connecticut. The foreclosure panel, made up of George White (chairman), Avery Faulkner, and Christopher Hicks, found that ICC's actions had indeed foreclosed the Council's ability to comment on the abandonment as a whole, but that the opportunity remained to comment on the impact to specific historic properties. As a result, the Council provided comments to ICC

38. A five-member panel of the Council recommended that the City of Baltimore restudy the option of reusing American Can Company buildings scheduled for demolition in the Canton Historic District.



on January 28, 1988. (For more information, see page 71.)

On August 24, 1988, a five-member panel met in Baltimore, Maryland, to investigate the proposed construction of the American National Plaza, a 9.5-acre shopping mall to be built on the site of the American Can Company, an industrial site within the Canton Historic District. The project would call for the demolition of the entire American Can Company complex. The Michael Swerdlow Companies, developer, is scheduled to receive a portion of an \$8.5 million Urban Development Action Grant (UDAG) that the Department of Housing and Urban Development had granted to the City of Baltimore.

The panel included Avery Faulkner, chairman; Mina Wright, Council member; Lee Adler, representing the National Trust for Historic Pres-

ervation; Gail Niedernhofer, representing the Secretary of the Interior; and Elliott Carroll, representing the Architect of the Capitol. The panel heard testimony in support of the proposal from the city, the developer, the Maryland State Historic Preservation Officer, and the Department of Housing and Urban Development. Approximately 45 members of the public also spoke in favor of reuse of some portion of the complex. The panel supported the residents and the recommendations of the Council staff and suggested reuse of the historic buildings within the complex. The Council recommended that the city and the developer restudy the proposal with the goal of preserving and reusing the historic buildings and that the mayor of Baltimore make a final decision on the development scheme that is responsive to citizen ideas and concerns.

Implementation of the Internal Management Plan

The implementation of the revised Council regulations in 1986 and the arrival of a new executive director in 1987 have led to the development of a management structure that is responsive to these changes. After a lengthy planning process, an Internal Management Plan emerged in 1988. Revised regulations and new operating procedures, combined with the new plan, should substantially improve the Section 106 review process.

The Internal Management Plan is predicated on three basic needs. First, since the revised regulations give Federal agencies greater flexibility in meeting Section 106 obligations under NHPA, they require an internal Council management structure tailored to this change. Second, the flexibility of the revised regulations demands that greater attention be paid to internal coordination and communication to ensure that increased autonomy does not result in error. And finally, some of the Council's responsibilities for assisting Federal agencies can be undertaken through education and program review by Council staff, working in conjunction with the agencies, in order to achieve a mutually-agreed-to program of historic preservation that is consistent with each agency's mission.

How will the Council accomplish this? The emphasis on flexibility in the regulations has been translated into greater autonomy for the program offices. For example, the Eastern and Western Offices of Project Review now have greater authority in the decisionmaking process and report directly to the executive office. The Internal Management Plan will be phased into operation in fiscal year 1989. Given the emphasis on flexibility and the need to match staff workload with the level of resources available to the Council, the Council feels confident that the plan will be a viable means of meeting its obligations.



39 President Reagan addressed the importance of historic preservation before presenting President's Historic Preservation Awards to ten outstanding,

privately funded projects. Council Chairman John F. W. Rogers (far left) and Secretary of the Interior Donald P. Hodel were also part of the awards ceremony.

Historic Preservation Awards Ceremony

The President's and National Historic Preservation Awards were announced in ceremonies held in the Indian Treaty Room of the Old Executive Office Building in Washington, DC, on November 18, 1988. President Reagan and Secretary of the Interior Hodel both participated in the program and presented the winners with certificates. The award recipients, Council members, and other guests attended the program. (For more information about the award winners and the historic preservation awards program, please see page 7.)

Secretary of the Interior Hodel presented the National Historic Preservation Awards, and he spoke briefly, commenting on the participation of the National Park Service and the "Take Pride in America" campaign of the Department of the Interior in this awards program. Both programs, according to Secretary Hodel, illustrate how an effective "partnership of public and private organizations" can provide opportunities for all people to become "thoughtful stewards of our national assets." In presenting the awards, he recognized the award winners as "outstanding examples of the creative partnerships we must establish to ensure that the preservation of our national resources remains a priority."

President Reagan began his remarks with the acknowledgment that "we're here to honor all of you who have intertwined our hopes for the future of our civilization with a deep respect for the glories of our heritage." The President also recognized the National Historic Preservation Act as "this nation's primary historic preservation legislation."

President Reagan spoke further on the importance of historic preservation, noting that "[t]he ability of private enterprise to enrich our heritage so effectively provides us with daily evidence of the cultural values that have sustained this na-



40 John F. W. Rogers (left) and Donald P. Hodel presented National Historic Preservation Awards to 18 outstanding projects from across the Nation.



41 Mr. and Mrs. Leon G. Ballance of Hyde County, North Carolina, accepted a National Historic Preservation Award on behalf of the Lake Landing Historic District National Register nomination. Secretary of the Interior Donald P. Hodel presented the National Awards.



42: Marion T. Webb, president of Shelburne Farms, accepted an award from President Reagan on behalf of the Shelburne House rehabilitation in Shelburne, Vermont.



43: Historic preservation won a place in the media as a result of the awards program. The White House press corps was a conspicuous component of the ceremony's guest list. (Ceremony photos by Steve Stewart, photographer.)

tion. The presence of historic properties as working and productive assets in our communities gives us an important link between the past and the present and reminds us of what we were, who we are, and where we hope to be."

The President concluded his remarks with a tribute to the award winners. "We owe much," he said, "to the independent endeavors of these individuals who have dedicated their own personal resources to further the goals [of preservation]—their work stands as inspiration for all of

us." The President then presented the award certificates as Council Chairman John F. W. Rogers read brief descriptions of the winning programs and projects.

The ceremony was followed by a reception honoring the award winners, sponsored by The Oliver T. Carr Company of Washington, DC. The reception was held in the East Dome area on the fifth floor of the Old Executive Office Building, where guests were able to see the results of recent restoration work.

Section 106 Review: Cases

Section 106 review, the Council's principal day-to-day function, involves the review of Federal agency projects and programs that affect historic properties. The Council's staff works with agency officials, State Historic Preservation Officers (SHPOs), and other interested parties to find ways to avoid, reduce, or mitigate adverse effects on such properties. The basic process is embodied in the Council's regulations, "Protection of Historic Properties," which underwent major revision in late 1986 (36 CFR Part 800). The basic process of Section 106 review is outlined in Figures 6 and 7.

As in 1987, changes during 1988 were evident, and issues arose that reflected adjustment to the revised regulations. Other trends in Section 106 review reflected developments in the national historic preservation program as a whole and in the national and international economic and political communities.

Casework Continues at High Level

The number of projects submitted to the Council and the SHPOs for review under Section 106 is referred to as the caseload. Figure 8 compares the Council's 1986, 1987, and 1988 caseloads. Figure 9 illustrates the trend in overall SHPO caseload over the years 1984 to 1987; 1988 figures are not yet available from the National Park Service. Comparison of the figures shows that the 59 SHPOs conduct almost 100 times the number of reviews as the Council, mainly because SHPOs may be involved in a variety of undertakings, while the Council is consulted only when an effect on historic property will occur. A comparison of caseloads also shows that although both SHPO and Council caseloads have been increasing, those of the SHPOs seemed to be leveling out as of 1987, while the Council's

caseload continued to climb. The Council is not yet able to account for this difference.

As usual, the undertakings the Council reviewed under Section 106 were extremely diverse. Examples include:

- the effects of highway and intraurban rail construction on the College Park Airport in Maryland, the oldest continuously operating airport in the world;
- removal of wrecks and drift from New York Harbor, including historic ship hulks;
- renovation of the Presque Isle Lighthouse in Michigan by the Coast Guard, a process that involved encasing the structure in a new layer of brick;
- potential damage to archeological sites and prehistoric rock art from the effects of nuclear testing in Nevada;
- development of the Lackawanna Avenue Mall in Scranton, Pennsylvania, coordinated with development of the Steamtown National Historic Site;

44: Council staff reviewed the U. S. Army Corps of Engineers' plan to remove wrecks and drift from New York Harbor, including historic ship hulks such as the Estelle Krieger shown here.

45: Sandblasting conducted in the 1960s and 1970s permanently damaged the Presque Isle Lighthouse in Michigan. It was determined that restoration to original condition was impossible, but the structure could be saved by encasement in a new layer of brick.





If properties, that is, districts, sites, buildings, structures, or objects, are found that may be eligible for inclusion in the National Register of Historic Places, but have not yet been included in the Register, the agency evaluates them against criteria published by the National Park Service, which maintains the Register. This evaluation is carried out in consultation with the SHPO, and if questions

- No effect: the undertaking will not affect historic properties;
- No adverse effect: the undertaking will affect one or more historic properties, but the effect will not be harmful;
- Adverse effect: the undertaking will harm one or more historic properties.

Step 4: Council comment: The Council may comment during step 3 of the process, by participating in consultation and signing the resulting MOA. Otherwise, the agency obtains Council comment by submitting the MOA to the Council for review and acceptance. The Council can accept

- An agreement between the Council and a State, which substitutes a State review system for the standard Section 106 review process.

FIGURE 8

COUNCIL CASELOADS

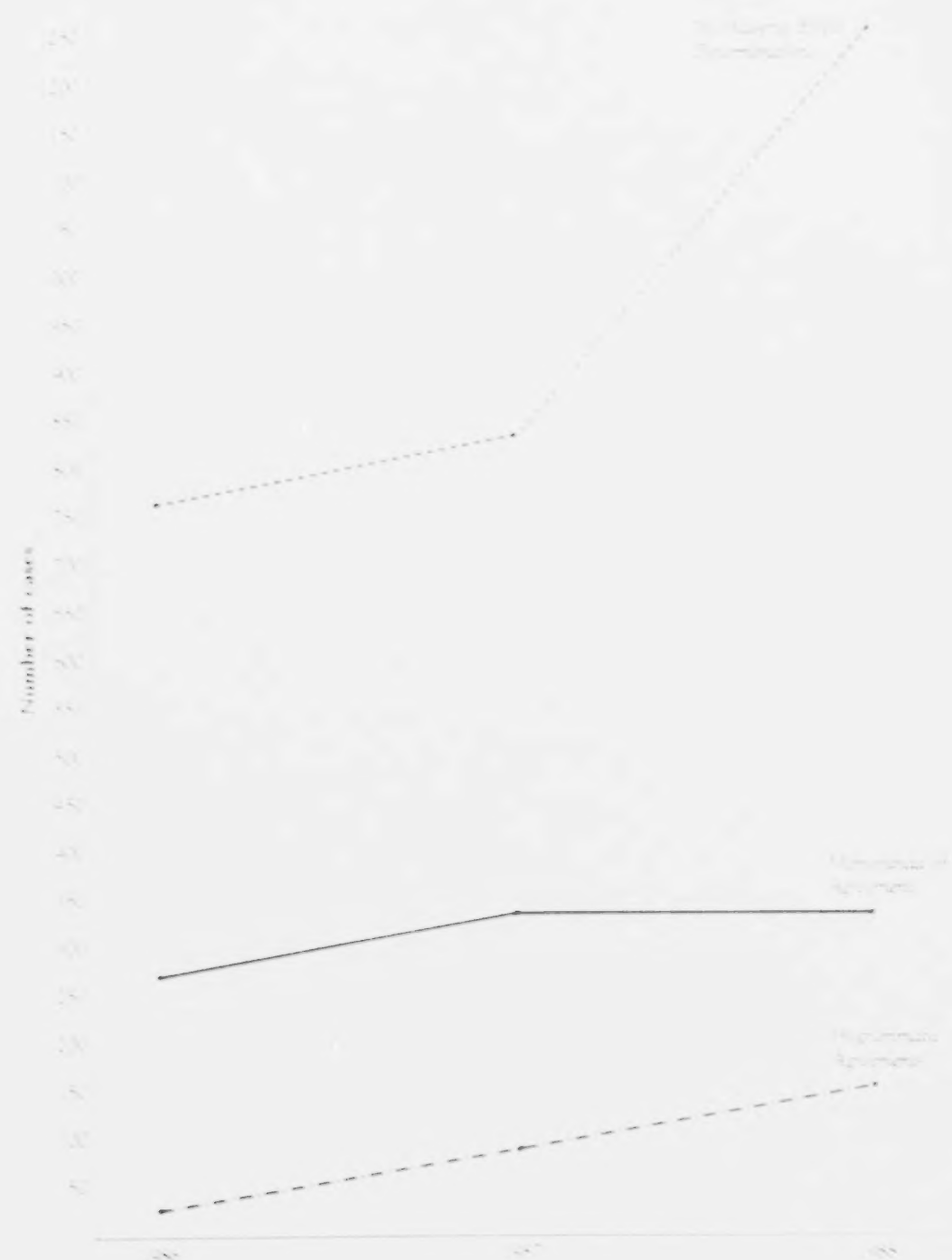
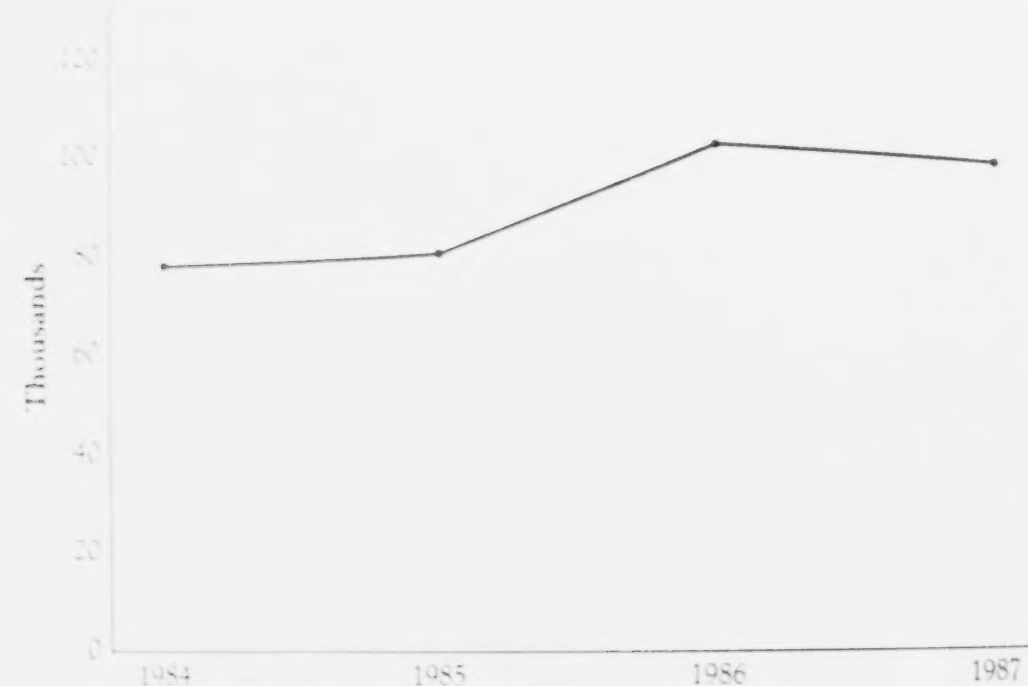


FIGURE 9

REVIEWS CONDUCTED BY SHPOs



- demolition of historic buildings at Isle Royale National Park in Michigan, Rocky Mountain National Park in Colorado, and along the Blue Ridge National Parkway in North Carolina;
- emergency treatment of historic properties in connection with earthquakes and forest fires in California;
- the effects of planned highway construction on the cultural landscapes of the Amish country of central Pennsylvania;
- the effects of nearby airport construction on the Cascade Plantation in North Carolina, a pristine and intact 18th- to 19th-century plantation;
- the effects of constructing the Society Center, a huge urban redevelopment project in downtown Cleveland, Ohio, on the Society National Bank and other historic properties;
- the effects on an archeological site by construction of a VIP viewing site and parking area for observation of space shuttle launches at Cape Canaveral;
- the effects of abandoning railroad lines, notably the Farmington Canal Branch of the Boston and Maine Railroad in Connecticut, on historic rail facilities and other historic properties;
- the potential damage to buried archeological sites—often invisible on the surface of the ground—from oil field development in Wyoming;
- the visual effects of building the PortAmerica development in Prince George's County, Maryland, on the monumental core of the nation's capital;



46: The historic Oppenheim Building in Scranton, Pennsylvania, will be rehabilitated as part of a commercial develop-

ment effort that was coordinated with the development of the Steamtown National Historic Site.



- the effects of continuing operation of the Hanford Nuclear Reservation in Washington State on properties of traditional cultural significance to the Yakima, Nez Perce, Umatilla, and Colville Indian groups;
- demolition of Public School #4 in Yonkers, New York, to make way for controversial public housing; a case in which consideration of historic values was constrained both by city order and by civil rights concerns;
- the effects of discharging effluent sewage into the Rio Grande in New Mexico, and associated river history, properties in which the people of the Santa Fe Pueblo have traditional religious practices that involve ceremonies in the river.

Cherokee and Comanche National Park Service employees removed the Rock shelter (one of the first National Park Monuments) to make room for new recreational facilities.

The old flagpole along the Blue Ridge National Park was in North Carolina, near the Rock shelter. The Rock shelter was the site of the first National Park Monuments.



49: The Society for Savings building, built in 1890 and designed by Burnham and Root, was one of several historic properties affected by the construction of Society Center in Cleveland, Ohio.



50: The city of Yonkers, New York, demolished Public School #4 despite the Council's request that it be rehabilitated for HUD-assisted public housing.



51: As part of an archeological study in advance of the West Beach project under a Memorandum of Agreement with the Council, vertebrate zoologist Dr. Alan Ziegler excavates the remains of extinct bird species in a natural sink hole in Hilo, Hawaii.

- potential damage to historic properties by depth charge detonation in Lake Albert, Oregon, in preparation for implementation of the mutually verifiable nuclear test ban treaty; and
- the direct and indirect effects of filming a sequence for a new Indiana Jones film that depicts the excavation of treasure from a prehistoric ruin in Colorado.

Continuing Concerns with Programmatic Agreements

More than 150 Programmatic Agreements (PAs) were executed during 1988. In the 1987 Annual Report the Council noted the SHPO's evaluations of the tight time frames established in the revised regulations and in various Programmatic Agreements. The report indicated that the Council, SHPOs, and others would address this issue during 1988, and the Council has recognized new opportunities for dealing with this situation in a flexible manner that coordinates with the efforts of SHPOs and Federal agencies.

One way to work within the specific time frames of case review is to execute PAs that tailor Section 106 review to particular agency programs and that eliminate the need for Council or SHPO review of routine activities. Another promising possibility is the execution of agreements with States that provide for State review processes to substitute for Council review under Section 106. The Council has given high priority to getting several in place during 1989. For more information about State agreements, see page 58.

During 1988 there was a significant increase in the number of instances in which agencies have terminated consultation. Each time this happens, the Council itself, as required by the staff, is required to issue a final comment. Each termination case must be given higher priority attention by the staff, the executive director, and the Chairman in order to obtain recommendations, develop a comment, make necessary resolutions, and render the comment within the required time frame. During 1988, ten terminations occurred, up from five in 1987 and only two in 1986. Figure 10 summarizes these cases.



52. Historic Grand Street Place buildings in Albany, New York, were demolished by the Albany County government to make way for a civic center. The Urban Mass Transit Authority, which assisted the project, was unable to halt the demolition.



53. Consultation with the National Park Service and the National Historic Landmark Commission was required for the demolition of the building in New York City.



54. The Springfield Arcade (left) was demolished to make way for a HUD-funded urban development project. The city and HUD, during rehabilitation, was unfeasible and unworkable, terminated consultation with the Council.

FIGURE 10

SUMMARY OF TERMINATION CASES

Case	Agency	Issue(s)	Case	Agency	Issue(s)
Abandonment of Farmington Canal Branch, Boston and Maine Railroad, Connecticut	Interstate Commerce Commission	Effects on historic canal and rail facilities	Federal Building and Courthouse, Utica, New York	General Services Administration	Window replacement and interior modifications
Albany Convention Center	Urban Mass Transit Authority	Demolition of historic district for development of convention center	Fishing Bridge complex, Yellowstone National Park, Wyoming	National Park Service	Demolition to improve grizzly bear habitat
			Public School #4, Yonkers, New York	HUD	Demolition for court-ordered housing construction
Albuquerque Job Corps Center, New Mexico	Department of Labor	Demolition of historic school buildings for modernization	Springfield Arcade, Springfield, Ohio	HUD/City of Springfield	Demolition for urban development
American Can Company, Baltimore, Maryland	HUD/City of Baltimore	Demolition for urban development	U.S. Soldiers' and Airmen's Home, Washington, DC	Department of Defense	Demolition for expansion of health care facility
Deep River Public Library, Deep River, Connecticut	HUD/Town of Deep River	Renovation of library			

Action Taken to Improve Agreement Documents

As the 1987 Annual Report noted, the revised regulations emphasize consultation among agencies, SHPOs, and other parties without requiring Council participation. As a result, the Council receives many two-party agreements, that is, agreements between an agency and a SHPO for 30-day review and acceptance. Often these agreements are technically inadequate, and sometimes they raise major substantive questions.

To help consulting parties develop better agreements, in 1988 high priority was given to writing a publication entitled *Preparing Agreement Documents*. The draft of this publication includes standard formats for all kinds of agreements developed under the regulations, together with helpful hints about how to prepare an agreement to ensure its legal sufficiency. The publication was distributed in draft form to all Federal agencies and SHPOs in April 1988, with the request that they make experimental use of it and provide the Council with their comments. It is expected that this publication will be issued in final form in 1989.

Certified Local Governments Policy Draws Little Response

In 1987 the Council issued a policy statement welcoming Certified Local Governments (CLGs) to participate in various kinds of project review in lieu of SHPOs, under Section 106 Memoranda of Agreement (MOAs) and PAs. Response to this invitation has been limited at best; no such agreements have yet been executed. Local governments, including those whose programs have been certified under Section 101(c) of NHPA and those whose programs have not, continue to be active participants in Section 106 review, but typically in addition to, not in place of, SHPOs.

55. Native Americans have expressed concerns about inadequate protection for ceremonial sites located on National Park Service lands. This Park Service road leads to a ceremonial site that is endangered by effects of increased off-road vehicle use and mineral development.



55

Armed Forces Await Outcome of USMA Project

In 1988, as in 1987, the Council executed a number of agreements with military installations and initiated consultation regarding several others. These agreements typically provide for the installation to develop a preservation management plan that, once approved, is implemented in place of case-by-case Section 106 review. Several such agreements were completed in 1988, and there was an increase in project-specific review requests from the Navy. A slight decrease in management plan-related agreements appears to stem from a tendency, both by the military services and the Council, to assign such agreements relatively low priority pending completion of the current Army/Council cooperative planning effort at the U.S. Military Academy (USMA). The USMA project is expected to result in a prototype management plan that can serve as the basis for a second generation of agreements, more effective than the first, both

for historic preservation and for the military mission. (For further information about the USMA project, see page 62.)

Steps Taken to Resolve Communications Projects

Late in 1987, as reported in that year's Annual Report, consultation began with the Federal Communications Commission (FCC) regarding FCC-licensed communications projects that affect historic properties. Some of these projects involve, for example, transmitter towers that impede the viewshed of historic districts and underground fiber-optic lines that pass through archeological sites. Programmatic Agreements with FCC anticipated at the end of 1987 have not yet materialized, but in consultation with the Council, FCC did revise its environmental procedures to promote better identification and consideration of preservation issues.

The revised procedures were issued as an FCC order on July 28, 1988, with an important amendment proposed on September 7. With the amended procedures in place, improvements are expected in the manner in which historic properties are considered in FCC licensing decisions. Meanwhile, however, FCC has permitted construction of a 200-foot tower in the immediate vicinity of three historic districts in New Orleans, Louisiana, without compliance with Section 106, and the Council has received complaints about threats by other FCC-licensed facilities on Antietam National Battlefield, Maryland; Harpers Ferry, West Virginia; the historic community of Waterford, Virginia; and the Civil War battlefield at Champion Hill in Mississippi.

Spaceflight Facilities the Subject of Consultation

Consultation began during 1988 with the National Aeronautics and Space Administration (NASA) regarding a PA covering historic spaceflight facilities. Many NASA facilities were designated National Historic Landmarks in 1984 based on a Congressionally mandated "Man in Space" theme study by NPS. (See 1987 Annual Report, page 53.) Since most of the facilities involved remain in active use and must be continually upgraded to accommodate the changing

needs of the space program, protecting the sites' historic values presents special challenges. NASA and the Council are in fundamental agreement that such facilities cannot be preserved unchanged, but at year's end the agency and the Council remained far apart about what steps NASA would take to recognize the facilities' historic value, to record features that must be changed, to consider the views of SHPOs and others, and to care for historic hardware removed from the facilities.

Problems Emerge with Existing Agreements and Regulations

The year 1988 saw the emergence of concerns related to several existing MOAs, Programmatic MOAs, and regulations, which will require further consideration. These include:

- a Programmatic MOA with NPS covering park planning. Planning documents are often too vague to serve as the basis for review, and issues of concern to the Council and SHPOs are not consistently addressed. NPS and the Council have agreed to discuss renegotiating this agreement.
- several Programmatic MOAs with the Bureau of Land Management (BLM) covering such topics as grazing on Federal lands, surface mining, and all BLM activities in Arizona, California, Colorado, and New Mexico. It appears that in some cases the terms of the agreements are no longer applicable or that they are not being implemented consistently. BLM is reviewing these agreements, and several will probably be renegotiated.



56. Archeologists document sites uncovered by the construction of a pipeline. Documentation of archeological sites was one element of a programmatic agreement with the Bureau of Land Management regarding an interstate pipeline project.

- agreements with BLM regarding two interstate pipeline projects in the Southwest. In both cases actions taken by the private companies responsible for the projects raise questions about the successful completion of the work stipulated by the agreements. Efforts to work with BLM to address this issue comprehensively are continuing.
- draft U.S. Army Corps of Engineers regulations covering historic preservation review of Corps regulatory actions (Appendix C to 33 CFR Part 325). The Council agreed to the Corps' interim use of these draft regulations in 1981, pending public comment, revision, and publication for effect. The Corps has used them ever since, despite the identification of many substantive problems resulting from their use. The Corps has recently proposed revisions to the draft, and through the Office of Management and Budget (OMB), the Council and the Department of the Interior have offered a counterproposal. Meanwhile, however, the Corps continues to use the draft regulations instead of complying with 36 CFR Part 800, thus creating a complicated legal situation.

Section 106 Review: Trends and Issues

Public Participation Still on the Rise

The 1986 revisions to the regulations clarified and strengthened the Council's traditional emphasis on public participation in Section 106 review. As a result, participation has steadily increased and become more organized. One important result of this emphasis has been the development of guidelines that clarify how interested members of the public can participate in the Section 106 review process.

In the context of cases involving large numbers of interested members of the public entitled under the regulations to be consulting parties, questions arose about the rights and obligations of consulting parties. These questions prompted issuance of a general counsel's opinion outlining the rights and obligations, which are listed in Figure 11.

The regulations also provide for the public to participate in the Section 106 review process by asking the Council to review agency determinations that the Council would not otherwise see. For example, the public might ask for review of determinations that no historic properties exist in an undertaking's area of potential effect or determinations that a given property is not eligible for inclusion in the National Register. More than 70 such "Section 6(e) requests" (so named after 36 CFR Part 800.6(e) of the regulations) were received during 1988. In each case the Council reviewed the questioned determination and offered recommendations to the responsible agency. A number of the requests related to the eligibility of threatened properties for inclusion in the National Register and were referred to the National Park Service for review. Other requests related to the adequacy of agency efforts to identify historic properties and to assess proj-

ect effects on such properties, in both technical and substantive forms.

Native American Involvement Continues to Evolve

The 1987 Annual Report noted that Indian tribes and other Native American groups were becoming more and more involved in Section 106 review. This involvement grew in scope and depth during 1988.

In December, at the request of a number of tribes in Oregon and Washington, the Council held meetings with tribal representatives and representatives of the Washington and Oregon SHPOs. The meeting in Washington State was particularly extensive and well attended. Hosted by Washington SHPO Jacob Thomas, it extended over two days and was attended by representatives of the Yakima, Umatilla, Colville, and Suquamish Tribes. The meetings focused on how the tribes could involve themselves more effectively in Section 106 review and, in the case of the Washington State meeting, specifically on problems surrounding activities of the Department of Energy on the Hanford Nuclear Reservation.

Ceded lands and treaty rights pose particular problems in the Northwest. When the tribes of the area made peace with the U.S. Government in the 19th century, they ceded most of Washington and Oregon to the United States, on the condition that the tribes continue to have rights to use the land, where not occupied, for hunting, fishing, collecting plant materials, and other purposes. These rights, embodied in treaties between the tribes and the United States, intersect with Section 106 review because the lands on which they are now exercised are typically under the

FIGURE 11

RIGHTS AND OBLIGATIONS OF INVITED CONSULTING PARTIES

Rights

The responsible Federal agency official must provide each consulting party with the documentation set forth in 36 CFR § 800.8(b), and such other documentation as may be developed as consultation proceeds (36 CFR § 800.5(e)(2)). This is the only absolute requirement placed by the regulations on the responsible agency official with respect to consulting parties.

However, it is consistent with the spirit of the regulations to assume that invited consulting parties should be treated in the same manner as are the mandatory consulting parties—the SHPO, the agency official, and the Council where it elects to participate. In other words:

1. Such parties should be invited to consultation meetings held concerning the project.
2. The responsible agency official and the Council should keep such parties informed of progress in consultation.

3. Such parties should be provided with drafts of MOAs or other documents as they are developed, in the same manner as are the SHPO, agency official, and the Council.

Invited consulting parties are not given the right to end consultation; this right is reserved to the agency official, the SHPO, and the Council.

Invited consulting parties may be invited to concur in MOAs, provided the agency official, the SHPO, and the Council (if participating) so agree (36 CFR § 800.5(e)(4)). If such a party is invited to concur and declines to do so, however, the other consulting parties can conclude the MOA without the invited consulting party's concurrence. The invited consulting party may, of course, try to persuade the other consulting parties not to execute the MOA, or so to modify it.

The regulations place no explicit time limits on actions by invited consulting parties. It would be reasonable, however, to apply the same time limits to actions by such parties as to those by the SHPO. If, for example, an invited consulting party were invited to concur in an MOA and did not do so, or initiated efforts to persuade the other consulting parties to revise the document, within 30 days, the agency official could proceed to consult with the other consulting parties to conclude the Section 106 process (36 CFR § 800.2(c)(1)(ii)).

Obligations

The regulations establish no specific obligations for invited consulting parties. It should be expected, however, that invited consulting parties will operate within the spirit and letter of the regulations, in accordance with the regulations' intent to "accommodate historic preservation concerns with the needs of Federal undertakings" (36 CFR § 800.1(b)).



57: An example of a traditional cultural property is this ancient fisherman's shrine located within the area of Hawaii's West Beach development. The developers are preserving the shrine in place and are reintering all human remains found in the vicinity of the project in accordance with the wishes of the local native Hawaiian group.

jurisdiction of Federal agencies. In addition, the tribes in some cases regard the locations where they carry out their traditional activities as having such historical importance that the properties may be eligible for inclusion in the National Register. Hence a Federal agency action that affects these locations (for example, timber cutting, stream bank stabilization, or expansion of Army firing ranges) may affect both historic values and treaty rights, and the Council, like any other Federal agency, is obligated to consider the latter when reviewing effects on the former. The tribes tend to feel that their rights, and the significance of the properties where they exercise

their rights, are not well respected by Federal agencies or the SHPOs.

Another issue in the Northwest, as in other parts of the country, has to do with how tribal activities themselves are reviewed under Section 106. Tribal activities on reservations often require the approval of the Bureau of Indian Affairs (BIA); issuance of such approval is a Federal undertaking subject to Section 106 review. BIA has been somewhat inconsistent in carrying out its Section 106 responsibilities, sometimes arguing flatly that Section 106 simply should not apply to tribal activities and doing little or nothing to provide for review. At other times BIA has im-

posed review procedures on the tribes that the tribes feel are far too restrictive. The tribes tend to appreciate the utility of Section 106 as a means of controlling the damaging actions of others, but believe that they are capable of caring for historic properties on their reservations without help from outside. They particularly tend to object to the SHPOs' role in Section 106 review, because as sovereign governmental entities, they object to anything that implies acquiescence to the authority of the State.

In response to these issues, the Council took two actions, neither of which has yet fully borne fruit. Regarding the issue of ceded lands and

treaty rights, the Council proposed to the National Park Service that it assist the Washington SHPO and the tribes in a cooperative effort to define the historical and cultural contexts in which places used by tribes in the exercise of their treaty rights could be evaluated for inclusion in the National Register. Such definitions would provide a basis for concrete efforts by Federal agencies to ensure that these places, and the tribes' rights to use them, are effectively considered under Section 106. The National Park Service has provided a small grant to the SHPO to support this project, which is under way.

Regarding Section 106 on the reservations, the Council was particularly impressed by a program developed by the Confederated Tribes of the Warm Springs Reservation in Oregon to control impacts on historic properties. The Warm Springs tribes have passed an excellent preservation ordinance and set up a well-qualified staff to review tribal actions that may affect historic properties. The Council proposed to initiate consultation with the tribes and BIA to establish a system under which the tribes could formally act for BIA in Section 106 review, which would be tailored to fit the tribal program. BIA has not responded to this proposal.

Meanwhile, Navajo Tribal Council Chairman Peter MacDonald wrote to the Council objecting to certain provisions of the regulations that provide for tribes to substitute for SHPOs in Section 106 review on their reservations, but only if the SHPO concurs. The Navajo Nation has established a strong historic preservation program and particularly objects to the implication in the regulations that it must accede to the authority of the Arizona, New Mexico, and Utah SHPOs. While objecting to the SHPO concurrence provision, MacDonald praised the regulations in general for their detailed treatment of tribal participation and invited the Council to meet on the Navajo reservation to gain a better under-

58: This 1870s Presbyterian Mission Church is among those accounted for in the historic preservation program developed by the Confederated Tribes of the Warm Springs Reservation in Oregon.



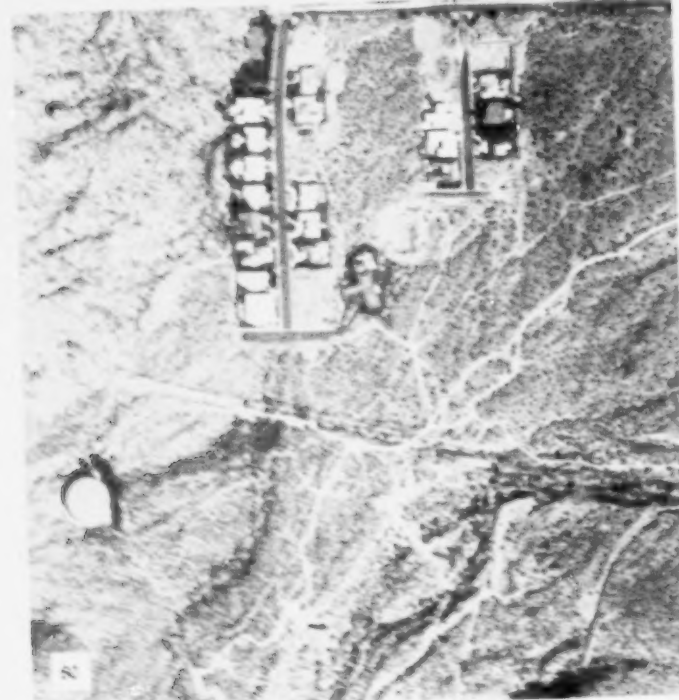
standing of the Nation's interests, programs, and historic resources. The Council accepted this invitation, and the meeting was held on September 26 and 27, 1988. In preparation for the meeting, the Council initiated consultation with the Navajo Nation, the three SHPOs, BIA, and the Department of Housing and Urban Development (HUD) to explore the development of a PA providing for the effective substitution of Navajo Nation historic preservation procedures for those of the Council. At the meeting the Council endorsed expanded tribal participation in Section 106 review, adopted a policy statement on pothunting (see Figure 12), and directed the staff to explore further ways to substitute tribal for SHPO participation where appropriate. (For further information about the Council meeting, see page 33.)

In other actions involving Indian tribes and other Native Americans:

- In Palm Springs, California, agreement was reached regarding a proposed flood control project in Tahquitz Canyon, a property of immense traditional cultural importance to the Cahuilla Indian Tribe. Under the agreement, to which the tribe is a party, the project has been designed to minimize the impact on the canyon, which will be largely managed in the future by the Agua Caliente Cahuilla Tribe as a cultural park.
- In the Black Hills of South Dakota, Lakota Indians have objected to a proposed land exchange by the U.S. Forest Service, arguing that the land to be removed from government control is of religious and cultural importance to the Lakota people and hence may be eligible for inclusion in the National Register. The Forest Service has taken the position that religious properties are categorically ineligible for the Register and that therefore the land in question includes no historic properties that



58: The hunters trail the owners of Snake Ranch in Kentucky for the right to purchase the site as a late Monticello settlement. Important archaeological resources are located in the search for new archaeological sites.



60: This area of Tahquitz Canyon in Palm Springs, California, will be affected by a flood control project. The Memorandum of Agreement for the project provides for ethnohistorical and archaeological studies, construction of an interpretive center, and turning over unused land to the Agua Caliente Tribe of Cahuilla Indians for preservation purposes.

might be affected by the transfer. The Council was asked to review the Forest Service's decision and concluded that the Service appeared to be misinterpreting the National Register criteria. Accordingly, the Council recommended further study to elucidate the actual significance of the land.

- At Libby Dam in Montana, the Confederated Tribes of the Kootenai and Salish have objected to a proposal by the U.S. Army Corps of Engineers to conduct archeological data recovery at certain sites that are being destroyed by erosion caused by fluctuating reservoir levels. The Kootenai assert that the sites have religious significance and that they would prefer to see them washed away to having them studied by archeologists. This case raises two vexing issues: how to balance the legitimate cultural concerns and religious freedoms of the Kootenai with the historical and scientific interests of archeological research and how much influence a tribe, or any other outside party, should have over a Federal land manager's decisionmaking. These issues were unresolved at year's end.
- At the Corrales North subdivision in Albuquerque, New Mexico, a case briefly described in the 1987 Annual Report continued through 1988. Although a MOA was executed with the Environmental Protection Agency, whose effluent discharge permit for the project triggered Section 106 review, several issues of great concern to the people of Sandia Pueblo continued unresolved. Notable among these was the historical significance of a sandbar in the Rio Grande where the people of the Pueblo have long carried out important religious observances. The project will discharge effluent material immediately across the river from this site. Here, as in the Black Hills, the issues of

FIGURE 12

COUNCIL POLICY STATEMENT ON POTHUNTING

The Council deplors the destruction caused by pothunting and applauds the efforts of Congress, the agencies, the States, and the Tribes to contend with it.

The Council supports in principle legislative and educational efforts to address the pothunting problem.

However, the Council also understands the desire to search out, study, appreciate, and possess artifacts and art objects, which directly or indirectly motivates pothunting.

The Council expresses its strong support for, and encouragement of, efforts by the Department of Justice, the various United States Attorneys, and other Federal and State agencies to bring to justice and prosecute to the full extent of the law all violators of Federal and State laws protecting historic, archeological, and other cultural resources.

However, the Council recognizes that it is unlikely that police action alone will control pothunting on Federal and Indian lands, and that since pothunting occurs on other lands as well, increased enforcement on Federal and Indian lands may only increase pothunting elsewhere.

Accordingly, the Council encourages cooperative efforts among Federal agencies, States, Indian tribes, archeologists, art and artifact dealers, artifact collectors, and other interested parties to seek mutually agreeable means of reducing pothunting while ensuring those interested in finding, studying, enjoying, and possessing artifacts the continued opportunity to do so.



61: Fluctuating reservoir levels are threatening archeological sites on the shores of Libby Dam in Montana.



62: The Confederated Tribes of Kootenai and Salish objected to the U.S. Army Corps of Engineers' proposal to document endangered Libby Dam archeological sites like this one on the grounds that documentation would compromise the religious nature of the sites.

whether and how a property used for traditional religious purposes can be included in the National Register were important. In August, the Keeper of the National Register, after a detailed study of pertinent documentation, determined that the sandbar is eligible for the Register. As a result, further consultation will be needed to reduce the project's effects on it. Meanwhile, other problems have arisen with implementation of the project's MOA. This project promises to continue to challenge the Council in the coming year.

- Regions 8 and 9 of the Forest Service—covering the forests of the eastern United States—issued a policy statement concerning treatment of human skeletal remains. Treatment of such remains when exhumed in connection with Federal undertakings is often a troublesome problem in Section 106 review. The policy, developed in consultation with the National Congress of American Indians, provides for each national forest supervisor to develop a plan of action, in consultation with tribes, SHPOs, and others and subject to Council review under Section 106. The policy also provides overall direction to the administration of national forests, favoring reburial of human remains and repatriation of such remains to tribes. Archeologists, including the Department of the Interior's departmental consulting archeologist, have objected to the Forest Service policy, arguing that it is inconsistent with the Archeological Resources Protection Act of 1979 (ARPA). ARPA requires that archeological resources, specifically including human skeletal remains, be retained in curatorial institutions for scientific study. This conflict remained unresolved at year's end, but at its meeting in Gallup, New Mexico, on September 27, 1988, the Council adopted a policy favoring reburial

after analysis, essentially consistent with the Forest Service's policy, and directed the staff to draft an amendment to ARPA to ensure that Federal officials would have sufficient flexibility to permit reburial to occur. (See Figure 13.)

- Recognizing the continuing questions that agencies and others raise about the eligibility of traditional cultural properties—including properties used by Native American groups for religious purposes—for inclusion in the National Register, the National Park Service undertook development of a bulletin providing guidance on the subject. The Council's senior archeologist/anthropologist was asked to assist in this effort. "Traditional Cultural Properties: Guidelines for Evaluation" (National Register Bulletin 38), was issued in draft for comment in August and was being edited for publication at year's end.
- In response to a request by the National Congress of American Indians, the general counsel reviewed a provision of the regulations allowing certain kinds of undertakings affecting archeological sites to be treated as having "no adverse effect" if archeological data recovery is performed. The general counsel concluded that this provision should not be applied to properties containing human skeletal remains, because such properties are valuable for reasons other than their potential for archeological research. All Federal agencies and SHPOs have been informed of this opinion.

The time and space devoted to the issues that concern Native Americans make it apparent that this is a trend in historic preservation that will continue to be of great importance, not just in 1988, but in the future.



Mixed Urban Trends

The Council noted in last year's Annual Report that while rehabilitation projects assisted by historic preservation tax credits were decreasing and the Council seemed to be seeing more projects involving large-scale demolition, no clear trend was observable in Council review of urban cases. In 1988, trends have continued to be unclear. Congress declined to provide an appropriation for the Urban Development Action Grant (UDAG) program this year, but UDAG projects supported by earlier grants continue to be submitted for review. It will probably be another year before the elimination of UDAG funding will be reflected in Section 106 review.

63: Urban Development Action Grants from the Department of Housing and Urban Development have been used to finance many historic preservation efforts such as the rehabilitation of Brewster Square in New Haven, Connecticut.

FIGURE 13

COUNCIL POLICY STATEMENT ON TREATMENT OF HUMAN REMAINS AND GRAVE GOODS

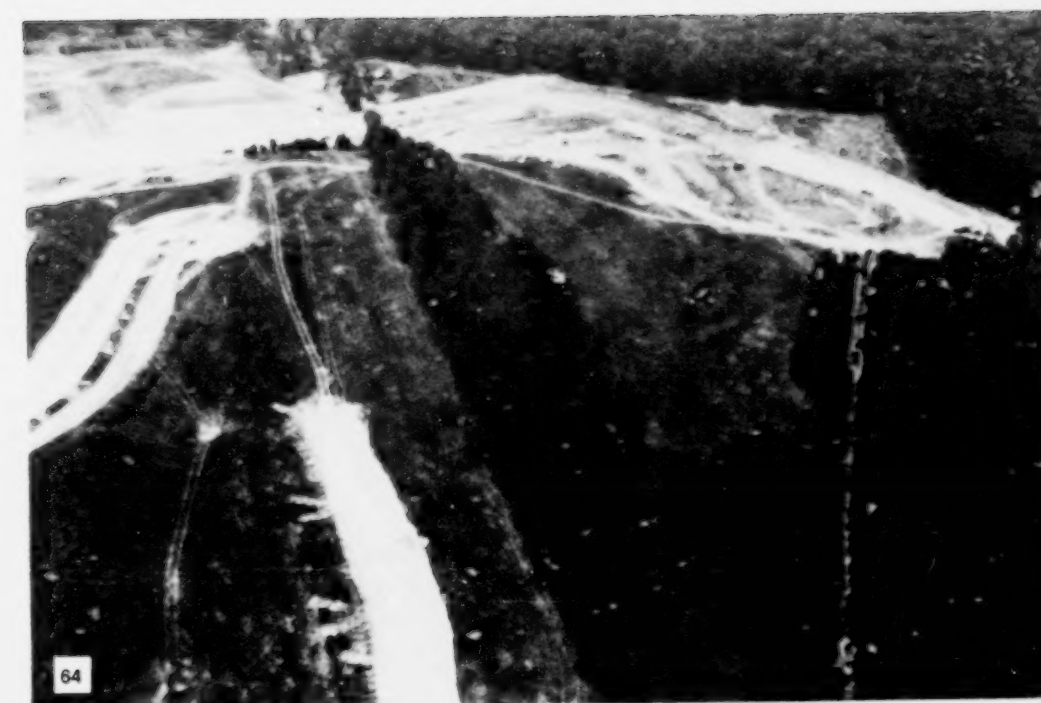
While human remains or grave goods are likely to be exhumed in connection with an undertaking subject to review under Section 106 of NHPA, the consulting parties under the Council's regulations should agree upon arrangements for their disposition that, to the extent allowed by law, adhere to the following principles:

- Human remains and grave goods should not be disinterred at all unless required in advance of some kind of disturbance, such as construction.
- Disinterment when necessary should be done carefully, respectfully, and completely, in accordance with proper archeological methods.
- In general, human remains and grave goods should be reburied in consultation with the descendants of the dead.
- Prior to reburial, scientific studies should be performed as necessary to address justified research topics.
- Scientific studies and reburial should occur according to a definite, agreed-upon schedule.
- Where scientific study is offensive to the descendants of the dead, and the need for such study does not outweigh the need to respect the concerns of such descendants, reburial should occur without prior study. Conversely, where the scientific research value of human remains or grave goods outweigh any objections that descendants may have to their study, they should not be reburied, but should be retained in perpetuity for study.

New urban programs have created new challenges for Federal agencies, SHPOs, and the Council. Notable among these are the several HUD-administered programs that are designed to provide emergency and transitional shelter for the homeless. When these programs were initially funded, Congress directed the prompt use of the funds; HUD's initial response was to establish program guidelines that minimized the exposure of its projects to reviews that might delay them. With respect to historic preservation, the guidelines directed that each applicant for funds provide a statement from the SHPO certifying that the project would not involve historic properties.

This immediately created problems. In a number of cases, organizations proposed to provide shelter for the homeless in historic buildings, in ways that did no damage to, and in some cases even preserved, the buildings. Such proposals could not be funded under HUD's rules. Moreover, some SHPOs found themselves swamped with applicants seeking the required statements, often with no data on what kinds of properties in fact were involved and usually with little or no time to allow the SHPO to make independent investigations. SHPOs and the Council objected to HUD's guidelines, as did some members of Congress. Eventually the prohibition on use of historic properties was removed, and a PA was executed with HUD that tailored the scheduling of Section 106 review to HUD's application review schedule.

Problems persist with these programs, however. With each grant round, HUD issues new program guidance, which does not always reflect its agreement with the Council, and there is considerable evidence of confusion among applicants and HUD field offices about how historic properties are to be dealt with. As Congress prepares to enact further legislation on housing concerns,



64. Construction of a housing development, corporate office park, and regional shopping mall would affect visitor appreciation and use of the Manassas National Battlefield Park (wooded area) in Virginia.

both for the homeless and for lower-income families in general, the Council hopes to work with the implementing agencies in order to avoid the complications that attended the emergency and transitional housing programs.

Another challenge to Section 106 review of urban projects arose in June 1988 when HUD revised its regulations dealing with lead-based paint abatement. The more stringent abatement standards, leading to removal or encasement of both interior and exterior surfaces of older buildings, apply to the broad range of HUD rehabilitation programs and can conflict directly with HUD's responsibility to promote the preservation and rehabilitation of these buildings' significant historic features.

Delayed Compliance Problem Continues

The Council noted last year a number of instances in which agencies delayed compliance with Section 106 until so late in project planning that it was extremely difficult to resolve conflicts with historic properties. This situation has continued during 1988, and it is typically associated with particular agencies, programs, and Federal installations. Agencies and programs that seem to have recurrent difficulties with delayed compliance included the Economic Development Administration, HUD's Urban Development Action Grant Program, HUD's processing of subdivision projects, and the Veterans Administration's handling of smaller projects at its medical centers. Specific offices and installations that have similar problems include the National Park Service's Rocky Mountain Regional Office, Vandenberg Air Force Base in California, and the Wyoming State Office of the Bureau of Land Management.

Landscape Problems Remain on the Horizon

The historic preservation community continued in 1988, as it had in 1987, to be deeply concerned about the preservation of historic landscapes. The National Park Service issued a National Register Bulletin (#18) regarding evaluation of designed landscapes, such as parks and parkways, and circulated a draft National Register Bulletin (#30) regarding evaluation of cultural landscapes, such as agricultural landscapes and natural areas of historic importance. How to identify and protect rural historic landscapes is one of the most troublesome questions involved in the Council's current efforts to deal with the disposal of property acquired by the Farmers Home Administration through foreclosure, and it is a central issue in such specific Section 106 cases as that involving Shelburne Parish Glebe in Virginia. (See 1987 Annual Report, pages 46-47; 1986 Annual Report, page 119.) The problems with protection of historic landscapes lie in their expansiveness, their often vague boundaries, and the fact that they often embrace lands held by numerous parties, many of whom may be private parties whose actions are not subject to review under Section 106.

One particular kind of historic landscape—the battlefield—was the subject of much debate during 1988. National attention focused on a proposal to construct a regional shopping mall, corporate offices, and housing development adjacent to Manassas National Battlefield Park in Virginia, within the viewshed of the national park and the general area where the battles of First and Second Manassas were fought during the Civil War. As the National Park Service has aptly pointed out in a recent publication, however, Manassas is only one of many battlefields threatened by incompatible development (CRM Bulletin, June 1988).

65: The old homestead surrounding this monument commemorating a military campaign in North Dakota was bulldozed and burned while under the management of the Farmer's Home Administration.



Manassas has been the focus of considerable attention in the Congress, where bills have been introduced to acquire the threatened land and add it to the park, while making other changes in local circulation systems and land use patterns. The National Trust for Historic Preservation and other preservation organizations are promoting broader legislation that would extend special protections to a wide range of properties similar to Manassas, including both battlefields and other properties in which it is proposed that the Nation as a whole has particular interests. The Council participated in discussions of these legislative proposals while beginning preliminary consultation on the Manassas case under Section 106 during fiscal year 1988. Section 106 would apply to the development because the developers will probably have to obtain a permit from the U.S. Army Corps of Engineers for filling wetlands under Section 404 of the Clean Water Act. At the end of the year, however, the developers had not yet filed such a permit application, pending resolution on the legislative front. On October 21, 1988, the Congress passed the Manassas legislation as an amendment to the Tax Reform Act Technical Corrections bill, and it appeared unlikely that the President would veto the measure. When signed into law, the bill will provide for an immediate legislative taking of the development property as an addition to the Manassas National Battlefield. This would nullify the need for Section 106 review.

Disposal of Assets Acquired through Foreclosure a Major Issue

As noted in the 1987 Annual Report, bank failures and foreclosures on farm mortgages have brought a considerable number of properties, many of them historic, temporarily into the Federal estate. Disposal of such properties is sub-

ject to review under Section 106, and it has presented increasingly difficult problems as the number of properties involved has grown. The problems include:

- how to determine whether a given property is historic, or contains historic values, when standard agency operating procedures emphasize simple appraisal of the property's economic value;
- what can be done if the property is historic, or does contain historic values, given the legitimate public interest in disposing of the property at the best price as quickly as possible; and
- how to manage historic property while it is under the jurisdiction of a Federal agency so as not to allow it to deteriorate unduly.

Under the Council's reorganization plan, consideration of such questions is assigned to the

66: The United States Forest Service plans to dispose of land in the Black Hills of South Dakota without stipulations to protect caves such as this one, despite the objections of area landowners and Native Americans. The caves are alleged to be significant to the Arapaho Indians for burial ceremonies and to the Lakota Indians for birthing.



Office of Program Review and Education; OPRE has established the issue as one of its highest priorities. As 1988 drew to a close, the Council was engaged in consultation with the Federal Savings and Loan Corporation and with the Farmers Home Administration regarding how the problem could be handled within their programs, and the Council has raised the matter with HUD as well.

Transfer Problems Persist

Cases involving the transfer of historic properties in Federal agency ownership to non-Federal parties, discussed in detail in the 1987 Annual Report, continued to be common and often difficult in 1988. In most cases the problem revolves around the identification and evaluation of historic properties, the nature of deed restrictions or covenants the transferring agency is willing to

place in the transfer documents, and the enforcement of such restrictions. Transferring agencies tend to want to shift the burden of protecting, managing, and sometimes even identifying and evaluating historic properties to property recipients, with oversight by the SHPOs. SHPOs are usually unable to accept the oversight responsibility, and the restrictions and covenants proposed by the agencies are often unenforceable in any event. The agencies' interest in ridding themselves of unwanted property without encumbrances is understandable, but the needs of surplus historic properties must be addressed in ways that are workable, that do not impose a burden on the SHPOs, that do not overly encumber the interests of property recipients, and that do not seriously reduce the price the Government can get for the property transferred. At year's end the Council was engaged in discussions with the Forest Service, the General Services Administration, and the U.S. Postal Service, three of the major agencies involved in such transfers, about how to address these issues, but no clear resolutions were yet apparent.

Individual cases are resolved on an ad hoc basis, pending development of broadly applicable approaches. For example, in the case of the Shelburne Parish Glebe in Virginia (see 1987 Annual Report, pages 46-47), the U.S. Marshall's Service in the Justice Department, which had acquired the property as the result of criminal forfeiture, agreed to its sale to a private party, without conditions and without complying with Section 106. When the failure to comply was brought to its attention, the Marshall's Service cancelled the sale contract and initiated Section 106 review. At year's end consultation was ongoing and focused primarily on the extent of the area to which historic preservation covenants would be applied.



67. Covenants placed on the sale of Boston's Custom House Building required that any alterations to the building be approved by the Massachusetts Historical Commission.

Special Council Activities

United States Military Academy at West Point: Historic Resources Management Plan

Background

In the fall of 1987 the United States Military Academy (USMA) and the Department of the Army Headquarters requested the Council's assistance in the development of a historic resources management plan for the Academy. As proposed, this would be a cooperative effort by the Department of the Army, the Academy, the U.S. Army Corps of Engineers, and the Council to develop a prototype resources management system that could be used by military installations throughout the country.

In 1984 the Department of the Army issued a regulation (AR 420-40) that, among other things, calls for the development and implementation of a Historic Preservation Plan (HPP) at each Army installation. This HPP would identify and classify each architectural and archeological resource found at the facility and provide guidelines for considering these resources in future planning and development. Although the regulation has been in force for four years, to date no comprehensive HPP has been completed and accepted.

In an effort to address this situation, the Department of the Army Headquarters and USMA decided to use the Academy's program for developing an HPP as an opportunity for creating a comprehensive prototype Historic Resources Management Plan (HRMP). This HRMP would fulfill the requirements of the HPP, but would also be designed to complement the facility's master plan program.

The Army approached the Council with a proposal that called for Council staff and consultants to develop the HRMP for the Academy and a prototype system for the Army. After extensive discussions with Council members and

staff over the benefits and potential drawbacks of such an undertaking, a proposal was drafted and submitted to the Academy for approval. The Academy accepted the proposal, and work began officially on March 1, 1988, with John Cullinane, senior architect for the Council, acting as project manager and Eleni Silverman, architectural historian, as chief researcher and architectural historian. Although other Council staff will periodically be involved in the project, only two full-time employees will be used through the project's scheduled completion on March 31, 1989.

The primary archeological investigation at the Academy will be undertaken by the Corps of Engineers Construction Engineering Research Laboratory (CERL) in Champaign, Illinois, under the direction and supervision of the Council. The focus of CERL's work will be to develop an archeological predictive model of the Academy property, which will be integrated into the main HRMP.

After investigating the extent and complexity of developing an HRMP for the Academy and its 20,000 acres of land, it became apparent that the project would have to be a cooperative effort involving the Army, the Academy, CERL, and the Council. Council staff also determined that a computerized system was essential if the plan were to contain the extensive information necessary for it to serve as a planning tool for use by a wide variety of personnel. The system would have to be compatible with CERL's Cultural Resources Information Support System (CRIS) and the Geographic Resources Analysis Support System (GRASS), as well as the Corps of Engineers Intergraph system.

The CRIS computer system, which would act as the core of CERL's work, is modeled on the dBase III program and records all resources into "fields." The GRASS program is a high-resolution, color, 3D map overlay system that will allow CERL to plot archeologically sensitive areas

throughout the Academy. This information will assist the Academy in both its planning and its training programs.

The System

In an effort to address the varied and complex program requirements of the HRMP, the Council investigated all of the major computer systems available. Apple Corporation's Macintosh system and HyperCard program were chosen.

Utilizing this program, the Council staff has created a system architecture that gives the Academy an intuitive, relational data base containing information on all of its architectural, cultural, and known archeological resources. Also included in the program are regulations and guidelines, such as AR 420-40, the Department of the Army Technical Manuals that govern actions at military facilities, the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, and recommendations for treatment of architectural, landscape, and archeological resources.

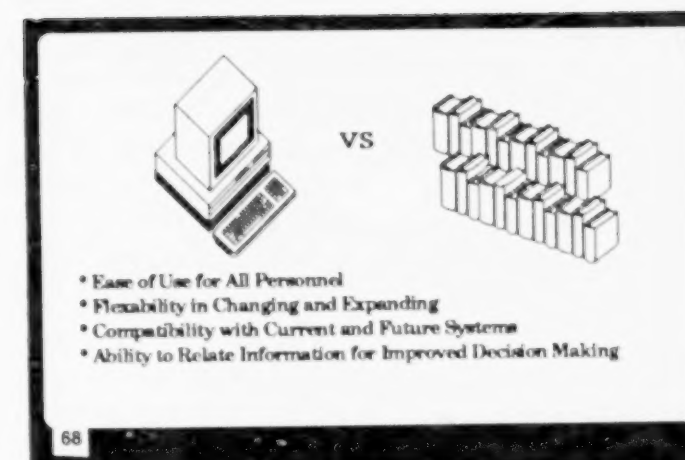
The Historic Resources Management Plan

When completed, the HRMP will contain a number of components. The first, an Executive Summary, will be a short published document

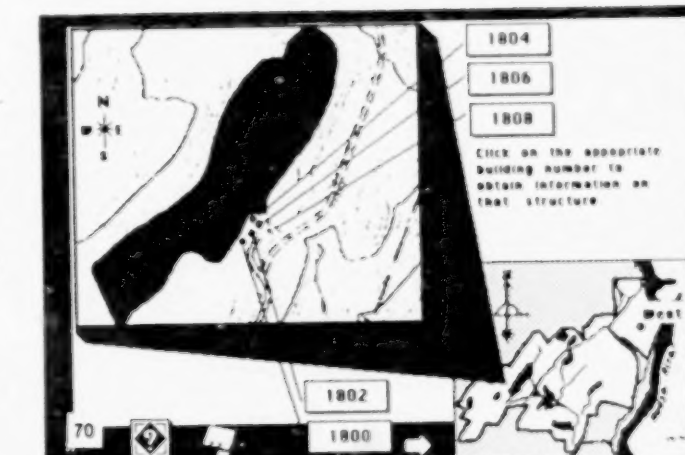
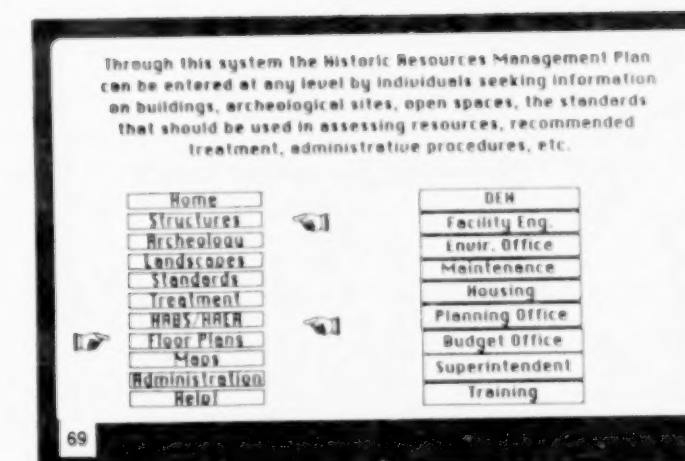
68. The computerized data base created for the Historic Resources Management Plan makes thousands of pages of documents easily accessible.

69. A computer-generated facsimile of one of the system's menus illustrates categories of information available to the user.

70. A computerized map of West Point enables the system user to access information about a particular location.



- Ease of Use for All Personnel
- Flexibility in Changing and Expanding
- Compatibility with Current and Future Systems
- Ability to Relate Information for Improved Decision Making



primarily by the Superintendent of the Army and the Department of the Army as well as the Academy's history, resources, and priorities. The second component, computerized HRMP, will be directed for use by the Directorate of Engineering and Housing, the Master Planner, the Planning Office, the Environmental Office, and the Academy units. This will be the hands-on work that will assist Academy personnel in the development of work and planning projects affecting historic resources. The third component, the Administrative Guidelines, will be a published document showing the process by which the Academy would process undertakings affecting historic resources.

Cooperative Efforts

Work continued on other cooperative activities with the U.S. Army and other agencies regarding preservation of World War II temporary buildings, military family housing, and window conservation. (See 1987 Annual Report, page 54.) As the study approaches completion, the Council anticipates increasing its efforts in these areas, in cooperation with the Department of the Army's Civil Engineering Research Laboratory, as well as with the National Park Service, National Institutes of Standards and Technology, and other organizations. In addition to continuing its work with housing, temporary buildings, and window conservation, and building on the HRMP study to promote more effective planning and design, the Council expects to address issues of paint and other coatings and the removal of lead-based paints.

Pursuit of State Agreements

Section 800.7 of the Council's regulations allows States to enter into agreements with the Council that substitute State review processes for those of the Council. This section was added to the regulations after the Council recognized that many States now have environmental and historic preservation review systems that closely parallel the Council's systems. Using these systems as substitutes for the process set forth in the Council's regulations could make Section 106 review more efficient and avoid redundancies. Since the addition of Section 800.7, the Council has realized that State agreements present additional

opportunities for tailoring the review system. For example, California is considering an arrangement that would employ procedures specific to particular kinds of historic properties that are routinely encountered in the State. New Mexico is considering a system by which private developers could carry out preservation planning and present the results as a basis for Section 106

71: The California SHPO has proposed programmatic treatment of bedrock mortar sites, which are particularly common in the Sierra Nevada. Here a

member of the Western Mono tribe uses a bedrock mortar to grind acorns in the tradition of her people.



compliance, if those developers later applied for Federal assistance. This system would address a recurrent problem in many States: Developers often apply for Federal assistance late in their planning processes, or even after substantial construction has occurred, limiting the opportunity for meaningful consultation between the Federal agency involved and the SHPO or the Council about ways to protect historic properties.

During a 1988 consultation with Delaware, the first State to express interest in a Section 800.7 agreement, the focus shifted when it became apparent that what was really needed was a PA with the Federal Highway Administration to address highway construction projects in the State. Meanwhile, Rhode Island requested an agreement, and consultation was begun. Believing that more States would be interested in such agreements if they better understood the opportunities they afford, the Council sponsored a workshop on Section 800.7 during the annual meeting of the National Conference of State Historic Preservation Officers (NCSHPO) in March 1988. As a result of this workshop, at year's end the Council was considering a cooperative agreement with NCSHPO aimed at putting at least four Section 800.7 programs in place during 1989. New York, Rhode Island, New Mexico, and California have agreed to participate.

Cooperative Efforts with the Department of the Interior

During 1988 the cooperative effort of the Department of the Interior and the Council to issue guidelines for Federal agencies' compliance with Section 110 of the National Historic Preservation Act reached a productive conclusion. The Section 110 guidelines, approved by the Council in August 1987, were issued by Interior on February 17, 1988, and have already been inte-

grated into the Council's training courses and daily work with Federal agencies. Another cooperative effort, the development of joint identification guidelines, concluded with the Council's publication of the guidelines in September 1988. The Council has also continued to cooperate with Interior in providing technical assistance to CLGs, in developing guidelines for the evaluation of traditional cultural properties (see page 34), in providing special assistance to Historic Preservation Officers in the freely associated States of Micronesia, and in promoting public awareness of archeology. In the latter area, Eastern Division Staff Archeologist Ronald Anzalone assisted the National Park Service in

producing a special issue of its CRM Bulletin devoted to archeological matters. Discussions also began in 1988 with NPS about joint training programs for Federal agencies in Section 106 and Section 110 compliance.

In the 1987 Annual Report the Council indicated that it would be participating actively in Interior's review of SHPO programs, and late in

72: As part of its special effort to assist Micronesian historic preservation programs, the National Park Service sponsored a training and certification program on Kosrae for preservation

office staff members from all three of the new of the new Micronesian governments. Here, trainees record an archeological site.



FIGURE 14

NEEDS FOR COUNCIL/NATIONAL PARK SERVICE IDENTIFIED BY STATES

(Source: "Summary of Fiscal Year 1988 State Historic Preservation Office Technical Assistance Needs," Branch of Preservation Planning, Interagency Resources Division, National Park Service)

Guidance development

- Provide guidance on how a State's comprehensive historic preservation plan can be integrated into Section 106 review.
- Develop and distribute a model State Section 106 review system.
- Provide guidance regarding how to remove lead-based paint from historic structures in a manner that does not compromise their historic and architectural integrity.
- Establish a national standard for surveys to identify historic properties.*
- Provide guidance regarding the treatment of cultural landscapes, historic aircraft, and historic shipwrecks.
- Translate key preservation guidelines into Spanish for use in the Southwest.

Standardization

- Standardize interpretation of the Secretary of the Interior's *Standards for Rehabilitation*.
- Review how consistently questions regarding the integrity of historic properties are resolved in the various contexts of National Register nomination approvals, tax credit certification, and Section 106 review.

Improvement of Federal agency performance

- Undertake a national-level effort to promote compliance with Section 106 and related authorities by Federal agencies.
- Establish a national planning model for implementation by all Federal agencies.

Information sharing

- Produce a State-by-State summary of survey techniques and approaches.
- Provide examples of standardized Section 106 response letters and agreements.

Resolution of technical issues

- Resolve problems regarding how States should count Section 106 review products when reporting their program activities to NPS.
- Resolve problems regarding protection of archeological sites in projects assisted by Federal historic preservation tax benefits.

*This request also suggested that in such a standard, the use of paraprofessionals (i.e., persons who are not professionals in one of the basic preservation disciplines but who have received professionally supervised training) be discouraged. The Council strongly disagrees with this suggestion. The use of paraprofessionals is an appropriate and cost-effective solution to the identification needs experienced by many Federal agencies.

1988 NPS published the results of a survey of SHPOs that identified their technical assistance needs. Several of the States identified needs for coordination between NPS and the Council. (See Figure 14.) The Council expects to be working with NPS during the coming year to address these needs.

American Prehistory Trail

The proposal for an American Prehistory Trail, which the chairman conveyed last year to the Secretary of the Interior, remained under study by Interior during 1988. (See 1987 Annual Report, page 53.) The Council hopes for action on this proposal during 1989.

National Archeological Research Topics

The Department of Transportation continued to spearhead support for the idea of developing National Archeological Research Topics (NARTs), which are topics of major concern to the public and the scientific community to guide federally sponsored archeological work. (See 1987 Annual Report, pages 53-54.) During 1988, at the Department's request, Council staff presented a paper on the subject to the Transportation Research Board in the National Academy of Sciences. The Southeast Region of the National Park Service also expressed interest, resulting in a presentation to a meeting of Southeastern SHPOs. At the end of the year, the National Oceanic and Atmospheric Administration (NOAA) became a major player in the NART initiative, entering into an agreement with the State of Maryland to initiate a nationwide application of archeological data to the study of

long-term cycles of climatic change. The initiative is based on a 1985 paper by Council staff member Thomas King, which summarized archeological and other data suggesting that such cycles exist and predicted the onset of widespread drought conditions. It is expected that the Council will participate in a variety of ways.

Section 106 Litigation

During fiscal year 1988 the Council witnessed a number of lawsuits alleging Federal agency failure to comply with Section 106. In most of these cases a citizens' group sought to enjoin a proposed Federal action on the grounds that the sponsoring agency had failed to complete the Section 106 review process prior to approving the action. The National Trust for Historic Preservation, a member of the Council, was a party in several of these cases.

Enforcement of Memorandum of Agreement

In a useful precedent for Section 106 enforcement, a Federal district court has stopped building demolitions based on its findings that an agency had not fully complied with a Section 106 Memorandum of Agreement (MOA). The Fort Lawton case, *Washington Trust for Historic Preservation v. City of Seattle*, concerned an MOA that provided for the city of Seattle to follow a planning process in evaluating the retention of 12 historic buildings as part of the city's development of Discovery Park. The city, one of the parties to the agreement, had recently determined that only two buildings could be retained. The Washington Trust for Historic Preservation challenged the decision and was joined in the lawsuit by the National Trust.

The basic premise of the plaintiffs' claim was that the city and the National Park Service had failed to properly carry out the terms of the MOA. The concerns focused primarily on the city's alleged failure to give serious consideration to alternatives that would save additional buildings and to consult in good faith with the Washington SHPO as required by the MOA. An ancillary issue was whether the National Trust, which was not a party to the MOA, could sue to enforce the agreement.

The court agreed with the plaintiffs and granted a preliminary injunction. Demolition of all buildings was halted until the Park Service completed documentation that met the Historic American Buildings Survey standards. The city was further restrained from demolishing seven of the buildings that had been subject to a compromise reached in 1986 until it completed further consultation with the State Historic Preservation Office regarding retention. The court also granted the National Trust's petition to intervene, which is a useful precedent for possible future enforcement actions. After the court's decision, the City Council reconsidered the plans for Discovery Park and voted to save six of the buildings in question.

Effect of Nationwide Permit on Section 106

The National Trust and others are challenging the failure of the U.S. Army Corps of Engineers to comply with Section 106 in its nationwide permit process. The Fifth Circuit Court of Appeals has granted the Trust amicus curiae status in the case of *Vieux Carré Property Owners, Residents & Associates v. Broun*. The litigation concerns the construction of the proposed New Orleans Aquarium and Riverfront Park in the Vieux Carré Historic District. The Corps approved the project under its nationwide permit process, which provides for the automatic issuance of a permit when the proposed activity meets certain conditions. In such circumstances no Section 106 compliance is required. The Council had previously advised the Corps that the regulations for the permit process do not provide for adequate compliance with Section 106. The appellants contend that the proposal should not have fallen within the nationwide permit category because it had potential adverse effects on the French Quarter and that the Corps therefore should have complied with Section 106.

In addition, the Trust asserts that the nationwide permit process requires compliance with Section 106. The Eastern District Court in Louisiana previously ruled for the Corps, and the appellants and the National Trust seek to have that decision reversed. The Court of Appeals heard the parties' arguments on October 4, 1988. The appellants hope for an early decision because construction has proceeded and the foundation work is done. The Court of Appeals turned down the appellants' requests for stopping the construction pending the appeal.

Anticipatory Demolition Addressed in Litigation

In 1987, noting what seemed to be an increase in cases where historic properties were demol-

73: This building in Fort Lawton, Washington, was threatened with demolition until the Washington Trust for Historic Preservation brought suit to make the City of Seattle seriously consider reuse of the building as part of its development plans.



ished in apparent attempts to circumvent Section 106 review, the Council issued a policy statement on anticipatory demolition and set out to find ways to resolve the problem. During 1988 the Council has addressed a number of possible instances of anticipatory demolition and has begun work with the Urban Mass Transportation Authority (UMTA)—an agency that frequently faces the problem—on possible solutions in the context of UMTA's program. Major attention during the year, however, was devoted to litigation in Omaha, Nebraska, in which anticipatory demolition and the Council's policy statement figured prominently.

PROUD, et al., and National Trust for Historic Preservation v. ICC, et al. involves the Jobbers Canyon historic district, Omaha, Nebraska, a six-square-block area listed in the National Register of Historic Places. This district includes a number of large early 20th-century warehouses that are scheduled for demolition. The demolition is in preparation for construction of the headquarters of the Con-Agra Company, a project that is part of a planned revitalization of downtown Omaha under the city's Riverfront Redevelopment Agreement. The plaintiffs contend that, among other things, demolition may not proceed until the U.S. Army Corps of Engineers complies with Section 106, because the Corps must approve sewer modifications throughout the redevelopment area. The plaintiffs also assert that the project may not proceed until the ICC complies with Section 106, because the Riverfront Redevelopment Agreement requires two undertakings that require the approval of ICC, namely the abandonment of a railroad track and a joint use agreement to share another railroad track between Union Pacific and Burlington Northern Railroads.

The court-appointed magistrate assigned to try this case has issued findings and recommendations to the Federal district court judge. The



74: Warehouses in the New Orleans Vieux Carré Historic District were demolished to make way for the New Orleans Aquarium and Riverfront Park. The National Trust for Historic Preservation challenged the legality of a nationwide permit issued by the U.S. Army Corps of Engineers that waived Section 106 review.



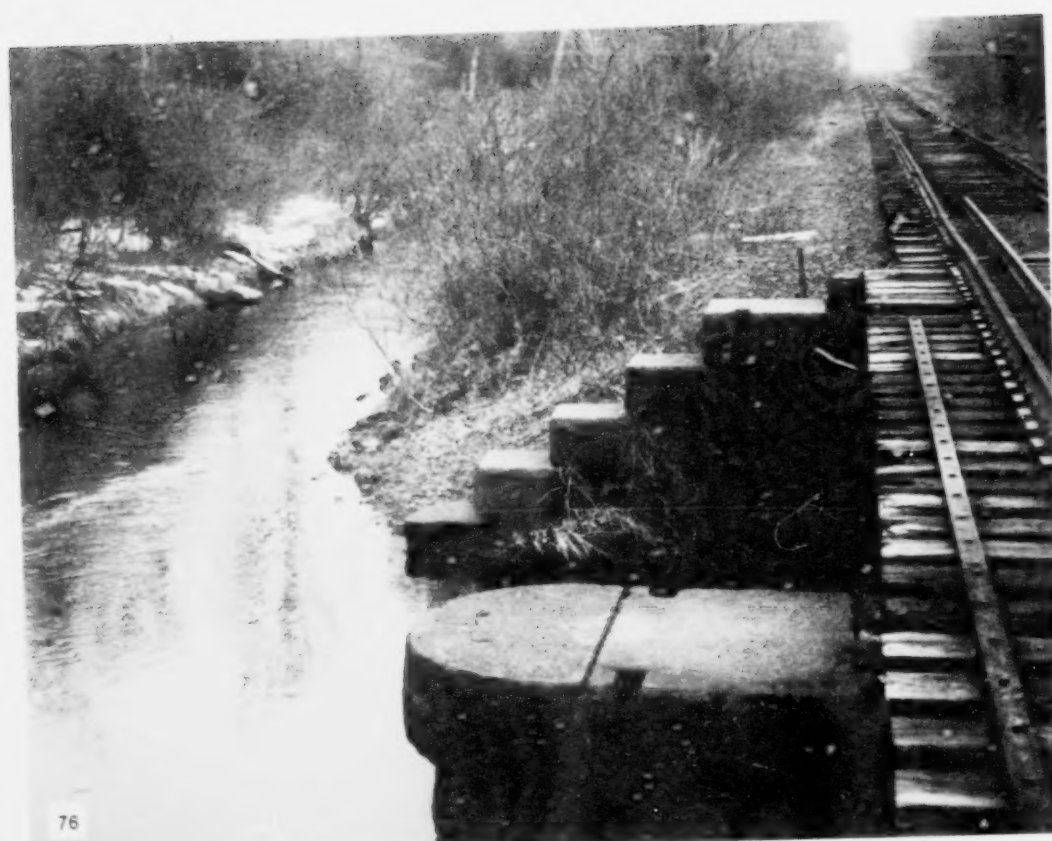
75: Warehouses in the Jobbers Canyon Historic District, Omaha, Nebraska, are scheduled for demolition.

magistrate acknowledged that the Corps has a permitting role arising from the excavation of a lake, the construction of a pedestrian overpass, and a change in the sewer system intersecting the levee. He also found that ICC has no approval role. He concluded, however, that these permits and approvals would pertain to sites outside of Jobbers Canyon and therefore would be incidental rather than "legal condition precedent" to the entire project, and so to the demolition of the buildings.

Earlier the judge had denied the plaintiffs' request for an injunction to stop demolition. About one-third of the historic buildings have already been demolished, and the remaining two-thirds have not yet been vacated. If the judge adopts the magistrate's recommendations, the demolition of Jobbers Canyon will be allowed to continue without further Council or other Federal review. At the close of the fiscal year, the Federal judge has not ruled on the National Trust's petition that he reject the magistrate's findings and recommendations.

Interpretation of "Use" under 4(f)

The Eleventh Circuit Court of Appeals has affirmed a U.S. District Court's broad interpretation of Section 4(f) of the Department of Transportation Act in *Coalition Against a Raised Expressway v. Dole*. The lower court had enjoined the construction of a proposed elevated highway on the Mobile, Alabama, waterfront for failure to comply fully with Section 4(f). Section 4(f) requirements, more rigorous than those of Section 106, provide that the Secretary of Transportation may approve transportation projects or programs requiring the use of land from a historic site, public park, wildlife and waterfowl refuge, or recreational area only if there is no feasible and prudent alternative to such use and only after all



76: Tracks of the abandoned Farmington-Canal Branch rail line follow the historic Farmington Canal. Abandonment of the line was contested by the Connecticut Trust for Historic Preservation.

possible planning to minimize harm to such resources.

This case, along with others, is important because it endorses the concept that under Section 4(f), use of a historic property by a transportation project is not limited to a physical "taking" of land. The ruling was based on the interpretation of "use" of historic properties to include effects such as noise, visual and audible impacts, and restriction of access. In this instance the expressway "preferred" by the final environmental impact statement would come as close as 43 feet to the National Historic Landmark City Hall; within 100 feet of the G.M. & O. Railroad Terminal, listed in the National Register; and close to three National Register-listed historic districts. The Federal Highway Administration (FHWA) had argued unsuccessfully that "use" under 4(f) should be limited to direct impacts on

properties such as demolition or actual taking of land for transportation purposes. The National Trust, which had intervened as a plaintiff, had argued the more expansive interpretation of the statute to include "constructive use" of historic properties. The District Court accepted this interpretation. The development of this concept of "constructive use" by the courts expands the potential application of Section 4(f), with its rigorous protective standards, to historic properties.

Since the Court of Appeals decision, the Solicitor General of the Justice Department has rejected FHWA's request to seek Supreme Court review of the case, and a new 4(f) statement has not yet been prepared. The State of Alabama is seeking a modification of the permanent injunction to permit purchase of a portion of the right-of-way. The parties are discussing the impact on alternatives, including the alternatives the Coun-

cil suggested in 1983, when it adopted a special Council panel's recommendation of an alternative combining a street-level boulevard to handle local traffic and an interstate highway bypassing the Mooile waterfront altogether.

ICC and Foreclosure

The Second Circuit Court of Appeals, in *Connecticut Trust for Historic Preservation v. Interstate Commerce Commission* (ICC) has upheld an ICC decision permitting abandonment of 14 miles of the Farmington Canal Branch rail line from its origin in New Haven to Cheshire, Connecticut. The appellants had contended that, among other things, the ICC had failed to comply with Section 106 by foreclosing the Council's opportunity to comment. The Council had convened a panel on December 4, 1987, to consider whether ICC's April 15, 1987, decision foreclosed the Council's opportunity to comment in that ICC did not contact the Council until September 1987.

The panel concluded that there had been foreclosure of the Council's ability to comment on the abandonment as a whole because ICC had in effect allowed a portion of the line to be transferred before it consulted with the Council. However, the panel also "conditionally retained a reasonable opportunity to comment on the undertaking" subject to ICC providing assurances that it would impose a public use condition on the abandonment of the remaining unsold portion of the Branch for approximately 120 days; extend the effective date of its November 25 decision concerning the abandonment for the period of the public use condition; and consult with the Council staff, the Connecticut SHPO, and other interested parties to consider ways to preserve such properties through public use or other means. ICC responded to the Council that it had imposed the public use condition and stay

that was requested by the Council and that it "welcomed" consultation. On January 22, 1988, the Council issued comments recommending that:

- ICC encourage and facilitate the negotiations between the Boston and Maine Railroad and the Connecticut Department of Environmental Protection for purchase of the portion of the right-of-way containing the bulk of the Farmington Canal remains;
- ICC elicit confirmation from the Boston and Maine Railroad that it will offer the historic stone-arch bridges to the State or an organization designated by the State for a minimal price. In lieu of such confirmation, ICC should require such action by the railroad;
- ICC require that deeds of transfer for the portions of the right-of-way containing the known historic properties include restrictions to ensure that the properties are preserved and maintained in accordance with the *Secretary of the Interior's Standards for Historic Preservation Projects*;
- prior to disposition of the right-of-way, ICC ensure that the known historic properties are documented in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation*;
- ICC work with the Council to modify the ICC's processing of exempt abandonments. The resulting consensus should then be formalized in a Programmatic Agreement. This should be done as expeditiously as possible. In the meantime, ICC should work closely with the Council on pending exempt abandonments to ensure that the requirements of Section 106 are met.

ICC issued another decision on March 16, 1988, admitting that a "ministerial error" had caused the premature abandonment but stating

that no harm had resulted and that actions it took subsequent to the initial April 1987 decision constituted compliance with the National Historic Preservation Act.

The Court of Appeals ruled that ICC's "final" decision actually occurred on November 25, 1987, after ICC "solicited" the Council's comments. The court reasoned that ICC had effectively "reopened the proceeding" between April and November 1987 and that the November 25 decision "dealt comprehensively with the historical and environmental consequences of the abandonment." Therefore, the court declined to overturn ICC's actions as arbitrary and capricious.

Indian Religious Sites

In a case with far-reaching implications for property used for Native American religious purposes, the Supreme Court reversed the Ninth Circuit Court of Appeals and held in *Lyng v. Northwest Indian Cemetery Protective Association* that the First Amendment's free exercise of religion clause does not prohibit the Forest Service from permitting timber harvesting in, or constructing a road through, a portion of the Chimney Rock section of the Six Rivers National Forest in northwestern California. Members of three American Indian tribes have traditionally held religious rituals on the site, which was determined to be eligible for listing in the National Register as the Helkau Historic District in 1981. In response to a Forest Service request for comments under Section 106, the Council had recommended against construction of the road. The Forest Service considered the Council's comments, but it did not follow them. The trial court thus rejected a claim of noncompliance with Section 106, and the issue was not raised on appeal.

The court reasoned that, as long as the Government did not prohibit the affected individuals from practicing their religion, the First Amendment would not be violated. Although the Government admitted that the consequences of its action might well have "devastating effects" on traditional Indian religious practices, the Court found that such effects are incidental to Government programs and do not coerce individuals from acting contrary to their religious beliefs. The Court also held that the steps taken by the Forest Service to minimize impact on the Indians' religious activities, such as selecting a route that minimized audible intrusions and planning measures to reduce the visual effect of the road, are consistent with the American Indian Religious Freedom Act.

The Court's decision is expected to result in an increase in Indian tribal use of Section 106 review to ensure that sites of cultural value to them are considered in Federal project planning. As Vernon Masayesva, vice-chairman of the Hopi Nation, commented in his statement at the Council's September 27 meeting:

The Supreme Court's rejection of First Amendment protection to the many Indian religious resources will result in greater emphasis upon legal protections afforded under various laws to historic, cultural, and archeological resources.

Legislation

1988 Legislative Initiatives

Major legislative initiatives for historic preservation occurred in 1988. While the Congress actually enacted only one important piece of general preservation legislation, it took serious steps in what may well be the next round of amendments and improvements to the basic legislative authority for the preservation program, the National Historic Preservation Act of 1966 (NHPA). A review of this legislative activity reveals a continuation of trends that have characterized the Congress' approach to preservation issues over the past two decades: the concurrent attention to pressing but somewhat narrow preservation issues on the one hand, and to comprehensive long-term improvements in the fundamental legal structure of the national historic preservation program on the other.

The Abandoned Shipwreck Act, signed into law on April 28, 1988, as Public Law 100-298, reflects the first trend, enactment of legislation designed to remedy immediate threats to particular historic resources. It established a comprehensive national approach to the management of a threatened resource, historic shipwrecks in the nation's waters. Technological advances over the past few years have made hitherto undiscoverable or unrecoverable shipwrecks accessible to treasure salvors and others who may be insensitive to the historic and archeological value of these fragile resources. At the same time, State programs to protect historic shipwrecks have been challenged, often successfully, by salvors who allege that State regulation violates the salvors' rights to recover artifacts and the wrecks themselves under traditional principles of admiralty law.

The Abandoned Shipwreck Act rectifies this situation by declaring United States title in

historic shipwrecks and then immediately transferring that interest to the State in whose waters the various shipwrecks may lie. This gives the State ownership of the wreck, while other provisions of the law clearly exempt the management of historic wrecks from admiralty law. Although the purpose of the act is clearly the preservation of the important historic values associated with shipwrecks, the legislation recognizes that this does not preclude the enjoyment of wrecks by sport divers or the salvage of a wreck for commercial purposes, as long as such actions are consistent with the protection of historic values.

P.L. 100-298 directs the Secretary of the Interior to develop guidelines for State management programs, in consultation with the many divergent interest groups, such as State Historic Preservation Officers, archeologists, sport divers, salvors, and fishermen. It also directs the Secretary to consult with the Secretary of Commerce, who manages the National Marine Sanctuary program, and the Council. (See Figure 15.)

The Council has taken an active role in the development of the legislation, supporting initial legislative proposals on the subject first introduced in 1983. In August 1987, the Council held a special session in Annapolis, Maryland, on the preservation of historic shipwrecks and commented on the then-pending Abandoned Shipwreck bill. The Chairman has designated Council member Dennis Mullins of California and staff member Thomas King to represent the Council in consultations with the Interior Department on the guidelines. On a related front, John Fowler, the Council's deputy executive director and general counsel, contributed a chapter to an upcoming publication by the National Trust for Historic Preservation and Partners for Livable Places designed to help States develop shipwreck management plans.

The Abandoned Shipwreck Act joins previous congressional enactments that were designed to

solve a particular historic preservation problem. Examples include the Mining in National Parks Act, which included provisions to protect National Historic Landmarks from strip mining, the Public Buildings Cooperative Use Act, which required the General Services Administration to give preference to the reuse of historic buildings to meet Federal office space needs, and the Amtrak Improvement Act, which set up a demonstration grants program to find uses for obsolete railroad stations. These laws make important contributions to the overall inventory of legal mechanisms to preserve historic properties. However, they fall somewhat outside the core program established by NHPA.

NHPA has been amended several times to improve the operation of the national historic preservation program. This occurred most recently in 1980, when extensive amendments strengthened the role of the States in the program, provided new opportunities for local government participation, revised the funding mechanisms, and added protections for National Historic Landmarks. At the 20th anniversary of NHPA in 1986, many in the preservation community took a hard look at the achievements of NHPA over two decades and assessed the needs for the future. Among these was the Council's own study, *The National Historic Preservation Act of 1966: An Assessment of its Implementation Over Twenty Years*, which identified needs for further action to advance the program.

77-78. The remains of these shipwrecks were revealed when drought lowered the level of the Mississippi River near West Memphis, Arkansas. The state provided emergency funds to recover scientific data on ship construction. The Abandoned Shipwreck Act should encourage more efforts of this nature.



National Historic Preservation Forum

In the fall of 1986 the National Trust convened a group of national preservation organizations and leaders to consider the future of the historic preservation program. Called the National Historic Preservation Forum, the effort started a dialogue in the preservation community over the most pressing needs in the national preservation program. To guide the forum, a steering committee was formed, including the Council, the National Alliance of Preservation Commissions, the National Conference of State Historic Preservation Officers, the National Park Service, the National Steering Committee of Statewide Organizations, the National Trust, Preservation Action, and the Society for American Archeology.

The forum effort centered on four major segments of the preservation program: program leadership and administration, protection, funding, and education. In October 1987 the forum issued an interim report entitled *A Historic Preservation Challenge*. Among other things, the report called for several basic improvements in the program that required legislative action:

- "stronger and more visible leadership within the federal government that will promote the protection, enhancement and study of the nation's historic resources";
- "the adoption of new laws and the vigorous implementation of existing authorities at the federal, state and local levels that will ensure the protection of the nation's heritage"; and
- "enhanced levels of financial support for historic preservation by all levels of government."

During fiscal year 1988 forum members proceeded to refine the means of achieving these objectives. The forum's Protection Study Group concentrated on strengthening Federal laws to

protect historic resources. Protecting nationally significant properties from private actions and improving protections for National Register properties through Section 106 received the most attention. As the year closed, work continued on refining the forum's proposals in anticipation of a major legislative review in 1989.

Meanwhile, the Congress introduced measures of its own to meet the objectives the forum had identified. In February, Representative Bruce Vento (DFL-Minn.) introduced H.R. 3964, which would make major organizational changes in the National Park Service. The legislation would establish the Park Service as an independent agency and create a National Park Service Review Board, composed of Presidential appointees and charged with general policy oversight for NPS. The House Interior and Insular Affairs Committee held hearings on the bill in May, and the legislation subsequently passed the House. At the close of the fiscal year, H.R. 3964 was pending in the Senate.

In March, Representative Morris Udall (D-Ariz.) introduced H.R. 4127, the American Heritage Trust Act of 1988. Designed to solve the recurring problems of funding the Land and Water Conservation Fund and the Historic Preservation Fund, the bill would create a true trust fund from the unappropriated balances in the two existing funds. The principal would be invested and the income would be available each year, subject to control of the appropriations committees, for allocation through the Land and Water Conservation Fund and the Historic Preservation Fund. The two funds currently contain about \$7.2 billion that would form the initial trust; about \$1 billion of that amount is in the Historic Preservation Fund. It is anticipated that the trust would provide approximately \$50 million annually for the historic preservation grants program, almost twice the amount that has been appropriated in recent years. H.R. 4127

was reported out of the House Interior and Insular Affairs Committee in September, but it was not acted upon by the Congress.

Historic Preservation Tax Incentives

Closely related to consideration of improvements to the core of the national historic preservation program are the current concerns about the historic preservation tax incentives. With the demise of Federal matching grants for "bricks and mortar" historic preservation work, the tax incentives established by the Economic Recovery Tax Act of 1981 have become the sole source of Federal financial support for preservation. Prior to 1987 these incentives—a 25 percent investment tax credit for rehabilitation expenditures—proved to be a tremendous stimulus to private investment in historic preservation. More than \$12 billion was invested in 18,000 projects nationwide, far more than would ever have been available under the Historic Preservation Fund grants program even if funded at its maximum level. The Tax Reform Act of 1986 dramatically altered this picture, however. While the credit was retained, albeit at a lower rate of 20 percent, new restrictions on its use were introduced. The application of "passive activity" rules to the credits restricted their use in reducing taxes on income not generated by the rehabilitation project. As a result, the tax shelter use of the credits was severely curtailed. The impact on the use of the credits has been immediate and negative. The National Park Service reported that applications for use of the credit declined more than 35 percent from 1986 to 1987 and estimates a continuing decline.

In March 1988, Representative Barbara Kennelly (D-Conn.) introduced H.R. 4048 and Senator John Danforth (R-Mo.) introduced S. 2115 to remedy this problem. Entitled the Com-

munity Reinvestment Tax Act, the legislation would revise the passive activity rules and subject them to normal business taxes. The net effect would be to make the credits more attractive again to developers and investors. The bill was pending in September, but it was expected that resolution of this tax problem would be a high-priority legislative item in the 101st Congress.

International Historic Preservation Activities

International historic preservation activities assumed a high profile for the Council in 1988. The year began with the Eighth General Assembly of the International Council of Monuments and Sites (ICOMOS) in Washington, DC. The event marked the first time that this group of historic preservation leaders and experts from more than 50 nations had convened in the United States. More than 600 delegates attended the week-long meeting, which was viewed by all as an outstanding success. In addition to numerous symposia on preservation topics, the delegates passed an international charter on the conservation of historic towns that sets international standards for rehabilitation, restoration, and development activities in sensitive historic urban areas. (See Figure 16.)

The Council actively participated in planning the General Assembly and in the conference itself. Chairman Cynthia Grassby Baker, along with fellow Council members Secretary of the Interior Donald Hodel and Secretary of Housing and Urban Development Samuel Pierce, served on the national honorary committee. Executive Director Robert Bush addressed the plenary session of the conference, and Council members and staff served on the planning committee and in the U.S. delegation to the General Assembly. Each conference registrant received a copy of the

FIGURE 15

ABANDONED SHIPWRECKS ACT AND SECTION 106

One way that access to abandoned shipwrecks has been regulated has been through the application of Section 106 review, since many shipwreck salvage projects have required permits from the U.S. Army Corps of Engineers or other agencies. During 1988 the Council remained deeply involved in the Corps' oversight of salvage at the wreck site of the 17th-century pirate ship *Whydah*, off Cape Cod, under the terms of an MOA with the Corps and the Massachusetts SHPO. The *Whydah* MOA has become something of a model for use by other agencies in the regulation of shipwreck salvage, and the salvage project appears to be going well. Late in the year consultation began with National Oceanic and Atmospheric Administration (NOAA) regarding issuance of a permit to a commercial salvor, allowing him to search within the Farallones/Point Reyes National Marine Sanctuary off the northern California coast for the remains of the Spanish galleon *San Agustin*, wrecked there in 1597. Since this will be the first such permit issued by NOAA, and since the wreck and the area are of considerable historical importance,

it is expected that consultation will proceed with great care. The Council, however, supports the right of commercial salvors to explore and recover historic shipwrecks and their cargo, provided that appropriate measures are employed to protect historical and archeological values.

Unusual shipwreck problems emerged during 1988 in connection with drought conditions that lowered water levels in the Mississippi River and exposed the hulks of many sunken riverboats and barges. These wrecks quickly became the targets for treasure hunters and curio seekers, as well as the subjects of emergency archeological investigation. The Corps of Engineers and State officials did what they could to control damage and facilitate archeological studies.

It is as yet too early to know how, if at all, passage of the Abandoned Shipwreck Act will affect how treatment of such wrecks is handled under Section 106. The Council will be working with the Department of the Interior during the coming year on guidelines for the act's implementation.

FIGURE 16

ICOMOS CHARTER FOR THE CONSERVATION OF HISTORIC TOWNS AND URBAN AREAS

Preamble and Definitions

1. All urban communities, whether they have developed gradually over time or have been created deliberately, are an expression of the diversity of societies throughout history.

2. This charter concerns historic urban areas, large and small, including cities, towns and historic centres or quarters, together with their natural and man-made environments. Beyond their role as historical documents, these areas embody the values of traditional urban cultures. Today many such areas are being threatened, physically degraded, damaged or even destroyed by the impact of the urban development that follows industrialization in societies everywhere.

3. Faced with this dramatic situation, which often leads to irreversible cultural, social and even economic losses, the International Council on Monuments and Sites (ICOMOS) deems it necessary to draw up an international charter for historic towns and urban areas that will complement the "International Charter for the Conservation and Restoration of Monuments and Sites," usually referred to as "The Venice Charter." This new text defines the principles, objectives,

and methods necessary for the conservation of historic towns and urban areas. It also seeks to promote the harmony of both private and community life in these areas and to encourage the preservation of those cultural properties, however modest in scale, that constitute the memory of mankind.

4. As set out in the UNESCO "Recommendations Concerning the Safeguarding and Contemporary Role of Historic Areas" (Warsaw-Nairobi, 1976), and also in various other international instruments, "the conservation of historic towns and urban areas" is understood to mean those steps necessary for the protection, conservation and restoration of such towns and areas as well as their development and harmonious adaptation to contemporary life.

Principles and Objectives

1. In order to be most effective, the conservation of historic towns and other historic urban areas should be an integral part of coherent policies of economic and social development and of urban and regional planning at every level.

2. Qualities to be preserved include the historic character of the town or urban area and all those material and spiritual elements that express this character, especially:

- a) urban patterns as defined by lots and streets;
- b) relationships between buildings and green and open spaces;
- c) the formal appearance, interior and exterior, of buildings as defined by scale, size, style, construction, materials, colour and decoration;
- d) the relationship between the town or urban area and its surrounding setting, both natural and man-made; and
- e) the various functions that the town or urban area has acquired over time.

Any threat to these qualities would compromise the authenticity of the historic town or urban area.

3. The participation and the involvement of the residents are essential for the success of the conservation programme and should be encouraged. The conservation of historic towns and urban areas concerns their residents first of all.

4. Conservation in an historic town or urban area demands prudence, a systematic approach and discipline. Rigidity should be avoided since individual cases may present specific problems.

Methods and Instruments

5. Planning for the conservation of historic towns and urban areas should be preceded by multidisciplinary studies.

Conservation plans must address all relevant factors including archaeology, history, architecture, techniques, sociology and economics.

The principal objectives of the conservation plan should be clearly stated as should the legal, administrative and financial measures necessary to attain them.

The conservation plan should aim at ensuring a harmonious relationship between the historic urban areas and the town as a whole.

The conservation plan should determine which buildings must be preserved, which should be preserved under certain circumstances and which, under quite exceptional circumstances, might be expendable.

Before any intervention, existing conditions in the area should be thoroughly documented.

The conservation plan should be supported by the residents of the historic area.

6. Until a conservation plan has been adopted, any necessary conservation activity should be carried out in accordance with the principles and the aims of this Charter and the Venice Charter.

7. Continuing maintenance is crucial to the effective conservation of an historic town or urban area.

8. New functions and activities should be compatible with the character of the historic town or urban area.

Adaptation of these areas to contemporary life requires the careful installation or improvement of public service facilities.

9. The improvement of housing should be one of the basic objectives of conservation.

10. When it is necessary to construct new buildings or adapt existing ones, the existing spatial layout should be respected, especially in terms of scale and lot size.

The introduction of contemporary elements in harmony with the surroundings should not be discouraged since such features can contribute to the enrichment of an area.

11. Knowledge of the history of an historic town or urban area should be expanded through archaeological investigation and appropriate preservation of archaeological findings.

12. Traffic inside an historic town or urban area must be controlled and parking areas must be planned so that they do not damage the historic fabric or its environment.

13. When urban or regional planning provides for the construction of major motorways, they must not penetrate an historic town or urban area, but they should improve access to them.

14. Historic towns should be protected against natural disasters and nuisances such as pollution and vibrations in order to safeguard the heritage and for the security and well-being of the residents.

Whatever the nature of a disaster affecting an historic town or urban area, preventative and repair measures must be adapted to the specific character of the properties concerned.

15. In order to encourage their participation and involvement, a general information programme should be set up for all residents, beginning with children of school age.

16. Specialized training should be provided for all those professions concerned with conservation.

Council's 1986 Annual Report, *Twenty Years of the National Historic Preservation Act*, which has been recognized as the definitive overview of the first two decades of the national historic preservation program.

Staff members Thomas King and John Fowler also contributed chapters to a book, *The American Mosaic*, published by US/ICOMOS as a comprehensive overview of historic preservation in America. The Council continued its coordinating role for U.S. participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) in Rome, Italy. The Centre is an international, intergovernmental organization established in 1958 as a research and training center and clearinghouse for the exchange of preservation information among specialists from its 76 member states.

Employing an international faculty, ICCROM offers a wide range of training courses on conservation and preservation to scholars and preservation experts worldwide. The Council promotes U.S. participation in ICCROM's educational programs and screens applicants for courses in such areas as architectural conservation, conservation science, and the conservation of mural paintings. As in previous years, the Council drew upon the assistance of the U.S. National Committee for ICOMOS to recruit and recommend candidates for the ICCROM courses.

The year also witnessed the XIVth General Assembly of ICCROM, held in Rome in May. The Department of State designated Council member Mina Wright as the official U.S. delegate to the assembly. Following an initial discussion of budget considerations, ICCROM staff members presented reports on their programs and activities of the past two years, as well as on their plans for the biennium. In other business, a resolution calling for the continuation of the course in preventative conservation for African

museums was passed, candidate credentials were reviewed and approved, and 14 member states reported on conservation activities in their own countries. The next General Assembly will be held in May 1990.

Also in May 1988, the Council's deputy executive director, John Fowler, served on a delegation of eight American experts on planning and preservation visiting the People's Republic of China. The group, part of the official cultural and technical exchange program between the U.S. and China, examined contemporary development in historic urban centers in China. They met with senior government officials in planning, housing, and preservation and visited historic sites in Beijing, Xian, Yangzhou, Suzhou, and Shanghai. A return visit of Chinese experts is scheduled for November 1988.

The Council also continued its active role as a member of the Secretary of the Interior's Federal Interagency Panel on the World Heritage. The panel met to review U.S. nominations to the World Heritage List, including thematic nominations for the architecture of Thomas Jefferson and Frank Lloyd Wright.

Public Information, Publications, and Training

Public Information

Major changes in Council-issued regulations have always created a higher demand for information, and 1988 was no exception. The Council received and responded to more than 800 requests for information in 1988. The President's and National Historic Preservation Awards were widely publicized, and the call for entries generated a large and enthusiastic response. Section 106: Step-by-Step remained an often-requested publication, as did the Council's 1986 Annual



79: A Chinese artisan cuts intricate stone work as part of a preservation project in Xian.

Report, *Twenty Years of the National Historic Preservation Act*. A heartening number of requests were from members of the public looking for assistance with a local preservation concern or simply asking for basic information about key issues and major players in the historic preservation movement.

Publications

The Council took the initiative in the distribution of two new publications. A draft of *Preparing Agreement Documents* was sent to all State and Federal historic preservation officers to give them an opportunity to implement and review this document before it is published in final form. Response to the draft has been overwhelmingly positive, but a larger number of comments is desired. *Identification of Historic Properties: A Decisionmaking Guide for Managers* was sent to all State Historic Preservation Officers as well as to more than 150 Federal government employees concerned with historic preservation matters. Special public information efforts included the announcement of the winners of the President's and National Historic Preservation Awards through more than 500 press releases and the publicity for a Council-sponsored public meeting in Baltimore, Maryland.

The Council issues a fact sheet that lists Federal agency preservation officers and another that lists State Historic Preservation Officers; Figures 19 and 20 provide this information. A fact sheet describing all Council publications is available on request.

Training

Nineteen eighty-eight was another banner year for the Council's Section 106 training course, "Introduction to Federal Projects and Historic



80: Participants in a Section 106 training course held in Washington, DC, discuss the finer points of a case study with instructor Michael Quinn.

Preservation Law," cosponsored with the General Services Administration Training Center. Thirteen open-enrollment courses were offered in 12 cities. Eight special onsite courses—a 60 percent increase over 1987—were provided for agencies who requested sessions tailored to their staff needs. The open enrollment and onsite courses trained a total of 591 persons, a new record. Trainees represented 37 Federal agencies and a wide variety of State agencies, local governments, Indian tribes, and private organizations, from 44 States and territories. Nineteen courses are scheduled for 1989. (See Figure 17.)

"Introduction to Federal Projects and Historic Preservation Law" was expanded from two to three days in 1988; two special onsite sessions for Bureau of Land Management managers were two-day classes. The expanded format provides more time for thorough discussion and explanation of the Section 106 review steps and allows instructors to address Section 110 of NHPA and other related requirements. Coincidental with expansion of the course, the training coordinator was detailed from the Council's Publications Office to the Office of Cultural Resource Preservation, which made possible improved coordination between training and Section 106 casework.

The training course continues to be well received; 1988 participants described it as "excellent," "well-organized," "informative," "stimulating," and "exceptionally worthwhile." Critical comments have been offered as well, and the Council has recognized the need for a number of improvements. Some of these were initiated during 1988, notably an expansion in participation by SHPO staff and videotaping of instructors to permit self- and peer evaluation. During 1989 the Council hopes to increase and systematize SHPO staff participation, make major improvements in audiovisual and text materials, and upgrade trainers' instructional skills.

The Council also sponsored two regional workshops for SHPO staff members, one in Chicago, Illinois, and the other in Portland, Oregon. In addition, Council staff participated in more than 26 training and education events offered by other agencies and groups to explain various aspects of Section 106 review. Figure 18 summarizes these training activities.

Conclusion

The presentation of the President's Historic

Preservation Awards and the National Historic Preservation Awards provided an appropriate end to fiscal year 1988 for the Council. With this ceremony, the Council honored the accomplishments of the past and recognized new directions for the future. The Council meeting at Window Rock, Arizona, and its in-depth discussions of current concerns also served as a outstanding closing event to a period of continuing changes and challenges.

During this year the Council has seen an increasing role for the State Historic Preservation Officers in the Section 106 review process and corresponding interest in preservation issues at the State and local levels. A particular development that has created much enthusiasm for the Council and for other preservation officials is the increase in the amount of public interest and participation in historic preservation generally and in the Section 106 review process specifically. One manifestation of this interest is the expression of concern from Native Americans about how they can best participate in a review process that might affect their traditional cultural properties and thus have an impact on their own unique tribal heritage. Topics dealing with Native American concerns will certainly call for further efforts on the part of the Council in the future.

The activities of 1988 have inspired a continuing process of reexamination, which was initiated with the Council's 1986 assessment of the national historic preservation program, furthered by the revision of the Council's regulations, and completed with the President's and the National Historic Preservation Awards program. This self-evaluation has given the Advisory Council on Historic Preservation renewed purpose, direction, and enthusiasm, as it looks with confidence toward recognizing and achieving preservation goals in the future.

FIGURE 17

1989 TRAINING SCHEDULE

October 17-19	Anchorage, Alaska	Onsite course, Bureau of Indian Affairs
November 15-17	Sacramento, California	Onsite course, California Bureau of Land Management
December 6-8	Philadelphia, Pennsylvania	Onsite course, Philadelphia General Services Administration
December 6-8	Bismarck, North Dakota	Onsite course, North Dakota SHPO
January 24-26	Washington, DC	Open course
February 7-9	Dallas, Texas	Open course
February 28-March 2	Mobile, Alabama	Open course
March 14-16	Santa Fe, New Mexico	Open course
April 17-19	Salt Lake City, Utah	Onsite course, Bureau of Land Management
April 4-6	Boise, Idaho	Open course
April 25-27	Raleigh, North Carolina	Open course
May 2-4	Anchorage, Alaska	Open course
May 16-18	San Bernardino, California	Open course
May 31-June 2	Boston, Massachusetts	Open course
June 13-15	Omaha, Nebraska	Open course
June 27-29	San Francisco, California	Open course
July 12-14	Washington, DC	Open course
August 1-3	Portland, Oregon	Open course
September 11-13	Chicago, Illinois	Open course

FIGURE 18

1988 TRAINING EVENTS

Introduction to Federal Projects and Historic Preservation Law

November 18-20	New York, New York	Onsite course, New York Transit Authority	May 2-4	Phoenix, Arizona	Open course
January 11-13	Reno, Nevada	Onsite course, Bureau of Land Management archeologists	May 11-13	New York, New York	Open course
January 14-15	Reno, Nevada	Onsite course, Bureau of Land Management managers	May 25-27	Orlando, Florida	Open course
January 26-28	Washington, DC	Open course	June 14-16	San Francisco, California	Open course
February 9-11	Dallas, Texas	Open course	June 28-30	China Lake, California	Onsite course, Naval Weapons Center
February 23-25	Atlanta, Georgia	Open course	July 12-14	Kansas City, Missouri	Open course
March 1-3	Dover, Delaware	Onsite course, Delaware State Historic Preservation Office	August 2-4	Seattle, Washington	Open course
March 8-10	Honolulu, Hawaii	Open course	September 13-15	Washington, DC	Open course
March 22-24	Denver, Colorado	Open course	Support for Training Efforts of Other Agencies and Organizations		
March 28-30	Sacramento, California	Onsite course, Forest Service	October 5	Washington, DC	Institute of International Education
April 12-14	Denver, Colorado	Onsite course, Bureau of Land Management archeologists	October 5-6	Washington, DC	American Law Institute and American Bar Association
April 18-20	Chicago, Illinois	Open course	October 6-7	Denver, Colorado	University of Denver
April 19-20	Denver, Colorado	Onsite course, Bureau of Land Management managers	October 28-29	Springfield, Illinois	Illinois State Historic Preservation Office
			December 3	Philadelphia, Pennsylvania	University of Pennsylvania
			December 14	Portland, Oregon	Oregon Tribes
			December 17	Seattle, Washington	Washington Tribes and Washington State Historic Preservation Office

January 12	Washington, DC	Transportation Research Board	April 20-22	Sparks, Nevada	Geophysical Exploration Industry
January 13	Easton, Maryland	National Association of Retired Federal Employees	May 4	National teleconference	U.S. Army Materiel Command
January 15	Washington, DC	Trust Advisors	May 5	Charleston, West Virginia	West Virginia State Historic Preservation Office
January 26-27	Mobile, Alabama	U.S. Army Corps of Engineers	Council-Sponsored Sessions		
February 4	Watervliet, New York	U.S. Army	December 15	Portland, Oregon	Western State Historic Preservation Office
February 11	Washington, DC	General Services Administration Regional HPOs	March 21	Washington, DC	State Historic Preservation Office
February 18	Lakewood, Colorado	Federal Highway Administration	April 21-22	Oak Park, Illinois	Central Region State Historic Preservation Office
February 23-25	Fort Sam Houston, Texas	Department of Defense			
March 3-6	Denver, Colorado	National Council on Public History			
March 17	Reston, Virginia	U.S. Geological Survey			

FIGURE 19

FEDERAL PRESERVATION OFFICERS AND CONTACTS

Section 110(c) of the National Historic Preservation Act of 1966 (NHPA) requires that each Federal agency designate a qualified official to coordinate the agency's preservation activities under NHPA. The following persons, listed by agency, serve as contacts for preservation activities. Those marked with an asterisk are the officially designated preservation officers pursuant to NHPA.

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FIGURE 20

STATE HISTORIC PRESERVATION OFFICERS

State Historic Preservation Officers (SHPOs) administer the national historic preservation program at the State level, review National Register of Historic Places nominations, maintain data on historic properties that have been identified but not yet nominated, and consult with Federal agencies during Section 106 review. SHPOs are designated by the governors of their respective States or territories.

Federal agencies seek the views of the appropriate SHPO when identifying historic properties and assessing effects of an undertaking on historic properties. Agencies also consult with SHPOs when developing Memoranda of Agreement.

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